

# FEDERAL OPERATING PERMIT

A FEDERAL OPERATING PERMIT IS HEREBY ISSUED TO  
Brazos Electric Power Cooperative, Inc.

AUTHORIZING THE OPERATION OF  
Johnson County Generation Facility  
Electric Services

LOCATED AT  
Johnson County, Texas  
Latitude 32° 23' 57" Longitude 97° 24' 29"  
Regulated Entity Number: RN100223312

This permit is issued in accordance with and subject to the Texas Clean Air Act (TCAA), Chapter 382 of the Texas Health and Safety Code and Title 30 Texas Administrative Code Chapter 122 (30 TAC Chapter 122), Federal Operating Permits. Under 30 TAC Chapter 122, this permit constitutes the permit holder's authority to operate the site, emission units and affected source listed in this permit. Operations of the site, emission units and affected source listed in this permit are subject to all additional rules or amended rules and orders of the Commission pursuant to the TCAA.

This permit does not relieve the permit holder from the responsibility of obtaining New Source Review authorization for new, modified, or existing facilities in accordance with 30 TAC Chapter 116, Control of Air Pollution by Permits for New Construction or Modification.

The site, emission units and affected source authorized by this permit shall be operated in accordance with 30 TAC Chapter 122, the general terms and conditions, special terms and conditions, and attachments contained herein.

This permit shall expire five years from the date of issuance. The renewal requirements specified in 30 TAC § 122.241 must be satisfied in order to renew the authorization to operate the site, emission units and affected source.

Permit No:     O543     Issuance Date:                                 

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For the Commission

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## **General Terms and Conditions**

The permit holder shall comply with all terms and conditions contained in 30 TAC § 122.143 (General Terms and Conditions), 30 TAC § 122.144 (Recordkeeping Terms and Conditions), 30 TAC § 122.145 (Reporting Terms and Conditions), and 30 TAC § 122.146 (Compliance Certification Terms and Conditions).

In accordance with 30 TAC § 122.144(1), records of required monitoring data and support information required by this permit, or any applicable requirement codified in this permit, are required to be maintained for a period of five years from the date of the monitoring report, sample, or application unless a longer data retention period is specified in an applicable requirement. The five year record retention period supersedes any less stringent retention requirement that may be specified in a condition of a permit identified in the New Source Review Authorization attachment.

If the permit holder chooses to demonstrate that this permit is no longer required, a written request to void this permit shall be submitted to the Texas Commission on Environmental Quality (TCEQ) by the Responsible Official in accordance with 30 TAC § 122.161(e). The permit holder shall comply with the permit's requirements, including compliance certification and deviation reporting, until notified by the TCEQ that this permit is voided.

The permit holder shall comply with 30 TAC Chapter 116 by obtaining a New Source Review authorization prior to new construction or modification of emission units located in the area covered by this permit.

All reports required by this permit must include in the submittal a cover letter which identifies the following information: company name, TCEQ regulated entity number, air account number (if assigned), site name, area name (if applicable), and Air Permits Division permit number(s).

## **Special Terms and Conditions:**

### **Emission Limitations and Standards, Monitoring and Testing, and Recordkeeping and Reporting**

1. Permit holder shall comply with the following requirements:
  - A. Emission units (including groups and processes) in the Applicable Requirements Summary attachment shall meet the limitations, standards, equipment specifications, monitoring, recordkeeping, reporting, testing, and other requirements listed in the Applicable Requirements Summary attachment to assure compliance with the permit.
  - B. The textual description in the column titled "Textual Description" in the Applicable Requirements Summary attachment is not enforceable and is not deemed as a substitute for the actual regulatory language. The Textual Description is provided for information purposes only.
  - C. A citation listed on the Applicable Requirements Summary attachment, which has a notation [G] listed before it, shall include the referenced section and subsection for all commission rules, or paragraphs for all federal and state regulations and all subordinate paragraphs, subparagraphs and clauses, subclauses, and items contained within the referenced citation as applicable requirements.

- D. When a grouped citation, notated with a [G] in the Applicable Requirements Summary, contains multiple compliance options, the permit holder must keep records of when each compliance option was used.
  - E. Emission units subject to 40 CFR Part 63, Subpart ZZZZ as identified in the attached Applicable Requirements Summary table are subject to 30 TAC Chapter 113, Subchapter C, § 113.1090 which incorporates the 40 CFR Part 63 Subpart by reference.
2. The permit holder shall comply with the following sections of 30 TAC Chapter 101 (General Air Quality Rules):
- A. Title 30 TAC § 101.1 (relating to Definitions), insofar as the terms defined in this section are used to define the terms used in other applicable requirements
  - B. Title 30 TAC § 101.3 (relating to Circumvention)
  - C. Title 30 TAC § 101.8 (relating to Sampling), if such action has been requested by the TCEQ
  - D. Title 30 TAC § 101.9 (relating to Sampling Ports), if such action has been requested by the TCEQ
  - E. Title 30 TAC § 101.10 (relating to Emissions Inventory Requirements)
  - F. Title 30 TAC § 101.201 (relating to Emission Event Reporting and Recordkeeping Requirements)
  - G. Title 30 TAC § 101.211 (relating to Scheduled Maintenance, Start-up, and Shutdown Reporting and Recordkeeping Requirements)
  - H. Title 30 TAC § 101.221 (relating to Operational Requirements)
  - I. Title 30 TAC § 101.222 (relating to Demonstrations)
  - J. Title 30 TAC § 101.223 (relating to Actions to Reduce Excessive Emissions)
3. Permit holder shall comply with the following requirements of 30 TAC Chapter 111:
- A. Visible emissions from stationary vents with a flow rate of less than 100,000 actual cubic feet per minute and constructed after January 31, 1972 that are not listed in the Applicable Requirements Summary attachment for 30 TAC Chapter 111, Subchapter A, Division 1 , shall not exceed 20% opacity averaged over a six-minute period. The permit holder shall comply with the following requirements for stationary vents at the site subject to this standard:
    - (i) Title 30 TAC § 111.111(a)(1)(B) (relating to Requirements for Specified Sources)
    - (ii) Title 30 TAC § 111.111(a)(1)(E)
    - (iii) Title 30 TAC § 111.111(a)(1)(F)(i), (ii), (iii), or (iv)

- (iv) For emission units with vent emissions subject to 30 TAC § 111.111(a)(1)(B), complying with 30 TAC § 111.111(a)(1)(F)(ii), (iii), or (iv), and capable of producing visible emissions from, but not limited to, particulate matter, acid gases and NO<sub>x</sub>, the permit holder shall also comply with the following periodic monitoring requirements for the purpose of annual compliance certification under 30 TAC § 122.146. These periodic monitoring requirements do not apply to vents that are not capable of producing visible emissions such as vents that emit only colorless VOCs; vents from non-fuming liquids; vents that provide passive ventilation, such as plumbing vents; or vent emissions from any other source that does not obstruct the transmission of light. Vents, as specified in the “Applicable Requirements Summary” attachment, that are subject to the emission limitation of 30 TAC § 111.111(a)(1)(B) are not subject to the following periodic monitoring requirements:
- (1) An observation of stationary vents from emission units in operation shall be conducted at least once during each calendar quarter unless the emission unit is not operating for the entire quarter.
  - (2) For stationary vents from a combustion source, if an alternative to the normally fired fuel is fired for a period greater than or equal to 24 consecutive hours, the permit holder shall conduct an observation of the stationary vent for each such period to determine if visible emissions are present. If such period is greater than 3 months, observations shall be conducted once during each quarter. Supplementing the normally fired fuel with natural gas or fuel gas to increase the net heating value to the minimum required value does not constitute creation of an alternative fuel.
  - (3) Records of all observations shall be maintained.
  - (4) Visible emissions observations of emission units operated during daylight hours shall be conducted no earlier than one hour after sunrise and no later than one hour before sunset. Visible emissions observations of emission units operated only at night must be made with additional lighting and the temporary installation of contrasting backgrounds. Visible emissions observations shall be made during times when the activities described in 30 TAC § 111.111(a)(1)(E) are not taking place. Visible emissions shall be determined with each stationary vent in clear view of the observer. The observer shall be at least 15 feet, but not more than 0.25 mile, away from each stationary vent during the observation. For outdoor locations, the observer shall select a position where the sun is not directly in the observer’s eyes. When condensed water vapor is present within the plume, as it emerges from the emissions outlet, observations must be made beyond the point in the plume at which condensed water vapor is no longer visible. When water vapor within the plume condenses and becomes visible at a distance from the emissions outlet, the observation shall be evaluated at the outlet prior to condensation of water vapor. A certified opacity reader is not required for visible emissions observations.

(5) Compliance Certification:

- (a) If visible emissions are not present during the observation, the RO may certify that the source is in compliance with the applicable opacity requirement in 30 TAC § 111.111(a)(1) and (a)(1)(B).
  - (b) However, if visible emissions are present during the observation, the permit holder shall either list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2) or conduct the appropriate opacity test specified in 30 TAC § 111.111(a)(1)(F) as soon as practicable, but no later than 24 hours after observing visible emissions to determine if the source is in compliance with the opacity requirements. If an opacity test is performed and the source is determined to be in compliance, the RO may certify that the source is in compliance with the applicable opacity requirement. However, if an opacity test is performed and the source is determined to be out of compliance, the permit holder shall list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2). The opacity test must be performed by a certified opacity reader.
  - (c) Some vents may be subject to multiple visible emission or monitoring requirements. All credible data must be considered when certifying compliance with this requirement even if the observation or monitoring was performed to demonstrate compliance with a different requirement.
- B. Certification of opacity readers determining opacities under Method 9 (as outlined in 40 CFR Part 60, Appendix A) to comply with opacity monitoring requirements shall be accomplished by completing the Visible Emissions Evaluators Course, or approved agency equivalent, no more than 180 days before the opacity reading.
- C. For emission units with contributions from uncombined water, the permit holder shall comply with the requirements of 30 TAC § 111.111(b).
- D. Emission limits on nonagricultural processes, except for the steam generators specified in 30 TAC § 111.153, shall comply with the following requirements:
  - (i) Emissions of PM from any source may not exceed the allowable rates as required in 30 TAC § 111.151(a) (relating to Allowable Emissions Limits)
  - (ii) Sources with an effective stack height ( $h_e$ ) less than the standard effective stack height ( $H_e$ ), must reduce the allowable emission level by multiplying it by  $[h_e/H_e]^2$  as required in 30 TAC § 111.151(b)
  - (iii) Effective stack height shall be calculated by the equation specified in 30 TAC § 111.151(c)

- E. Permit holder shall comply with the following requirements for steam generators:
  - (i) Emissions from any oil or gas fuel-fired steam generator with a heat input capacity greater than 2,500 MMBtu per hour may not exceed 0.1 pound of TSP per MMBtu of heat input, averaged over a two-hour period, as required in 30 TAC § 111.153(c) (relating to Emissions Limits for Steam Generators).
- F. Outdoor burning, as stated in 30 TAC § 111.201, shall not be authorized unless the following requirements are satisfied:
  - (i) Title 30 TAC § 111.205 (relating to Exception for Fire Training)
  - (ii) Title 30 TAC § 111.221 (relating to Responsibility for Consequences of Outdoor Burning)
- 4. The permit holder shall comply with the following requirements for units subject to any subpart of 40 CFR Part 60, unless otherwise stated in the applicable subpart:
  - A. Title 40 CFR § 60.7 (relating to Notification and Recordkeeping)
  - B. Title 40 CFR § 60.8 (relating to Performance Tests)
  - C. Title 40 CFR § 60.11 (relating to Compliance with Standards and Maintenance Requirements)
  - D. Title 40 CFR § 60.12 (relating to Circumvention)
  - E. Title 40 CFR § 60.13 (relating to Monitoring Requirements)
  - F. Title 40 CFR § 60.14 (relating to Modification)
  - G. Title 40 CFR § 60.15 (relating to Reconstruction)
  - H. Title 40 CFR § 60.19 (relating to General Notification and Reporting Requirements)
- 5. The permit holder shall comply with the requirements of 30 TAC Chapter 113, Subchapter C, § 113.100 for units subject to any subpart of 40 CFR Part 63, unless otherwise stated in the applicable subpart.

#### **New Source Review Authorization Requirements**

- 6. Permit holder shall comply with the requirements of New Source Review authorizations issued or claimed by the permit holder for the permitted area, including permits, permits by rule, standard permits, flexible permits, special permits, permits for existing facilities including Voluntary Emissions Reduction Permits and Electric Generating Facility Permits issued under 30 TAC Chapter 116, Subchapter I, or special exemptions referenced in the New Source Review Authorization References attachment. These requirements:
  - A. Are incorporated by reference into this permit as applicable requirements

- B. Shall be located with this operating permit
  - C. Are not eligible for a permit shield
7. The permit holder shall comply with the general requirements of 30 TAC Chapter 106, Subchapter A or the general requirements, if any, in effect at the time of the claim of any PBR.
  8. The permit holder shall maintain records to demonstrate compliance with any emission limitation or standard that is specified in a permit by rule (PBR) or Standard Permit listed in the New Source Review Authorizations attachment. The records shall yield reliable data from the relevant time period that are representative of the emission unit's compliance with the PBR or Standard Permit. These records may include, but are not limited to, production capacity and throughput, hours of operation, safety data sheets (SDS), chemical composition of raw materials, speciation of air contaminant data, engineering calculations, maintenance records, fugitive data, performance tests, capture/control device efficiencies, direct pollutant monitoring (CEMS, COMS, or PEMS), or control device parametric monitoring. These records shall be made readily accessible and available as required by 30 TAC § 122.144. Any monitoring or recordkeeping data indicating noncompliance with the PBR or Standard Permit shall be considered and reported as a deviation according to 30 TAC § 122.145 (Reporting Terms and Conditions).

### **Compliance Requirements**

9. The permit holder shall certify compliance in accordance with 30 TAC § 122.146. The permit holder shall comply with 30 TAC § 122.146 using at a minimum, but not limited to, the continuous or intermittent compliance method data from monitoring, recordkeeping, reporting, or testing required by the permit and any other credible evidence or information. The certification period may not exceed 12 months and the certification must be submitted within 30 days after the end of the period being certified.
10. Permit holder shall comply with the following 30 TAC Chapter 117 requirements:
  - A. The permit holder shall comply with the compliance schedules and submit written notification to the Executive Director as required in 30 TAC Chapter 117, Subchapter H, Division 1:
    - (i) For electric utilities in the Dallas-Fort Worth Eight-Hour Nonattainment area, 30 TAC § 117.9130
  - B. The permit holder shall comply with the compliance schedules and submit written notification to the TCEQ Executive Director as required in 30 TAC Chapter 117, Subchapter H, Division 1:
    - (i) For sources in the Dallas-Fort Worth Eight-Hour Nonattainment area, 30 TAC § 117.9030
  - C. The permit holder shall comply with the Initial Control Plan unit identification requirements in 30 TAC § 117.450(a) and (a)(1).



- D. The permit holder shall comply with the requirements of 30 TAC § 117.454 for Final Control Plan Procedures for Attainment Demonstration Emission Specifications and 30 TAC § 117.456 for Revision of Final Control Plan.
11. Use of Emission Credits to comply with applicable requirements:
- A. Unless otherwise prohibited, the permit holder may use emission credits to comply with the following applicable requirements listed elsewhere in this permit:
    - (i) Title 30 TAC Chapter 115
    - (ii) Title 30 TAC Chapter 117
    - (iii) Offsets for Title 30 TAC Chapter 116
  - B. The permit holder shall comply with the following requirements in order to use the emission credits to comply with the applicable requirements:
    - (i) The permit holder must notify the TCEQ according to 30 TAC § 101.306(c)-(d)
    - (ii) The emission credits to be used must meet all the geographic, timeliness, applicable pollutant type, and availability requirements listed in 30 TAC Chapter 101, Subchapter H, Division 1
    - (iii) The executive director has approved the use of the credit according to 30 TAC § 101.306(c)-(d)
    - (iv) The permit holder keeps records of the use of credits towards compliance with the applicable requirements in accordance with 30 TAC § 101.302(g) and 30 TAC Chapter 122
    - (v) Title 30 TAC § 101.305 (relating to Emission Reductions Achieved Outside the United States)
12. Use of Discrete Emission Credits to comply with the applicable requirements:
- A. Unless otherwise prohibited, the permit holder may use discrete emission credits to comply with the following applicable requirements listed elsewhere in this permit:
    - (i) Title 30 TAC Chapter 115
    - (ii) Title 30 TAC Chapter 117
    - (iii) If applicable, offsets for Title 30 TAC Chapter 116
    - (iv) Temporarily exceed state NSR permit allowables
  - B. The permit holder shall comply with the following requirements in order to use the credit to comply with the applicable requirements:

- (i) The permit holder must notify the TCEQ according to 30 TAC § 101.376(d)
- (ii) The discrete emission credits to be used must meet all the geographic, timeliness, applicable pollutant type, and availability requirements listed in 30 TAC Chapter 101, Subchapter H, Division 4
- (iii) The executive director has approved the use of the discrete emission credits according to 30 TAC § 101.376(d)(1)(A)
- (iv) The permit holder keeps records of the use of credits towards compliance with the applicable requirements in accordance with 30 TAC § 101.372(h) and 30 TAC Chapter 122
- (v) Title 30 TAC § 101.375 (relating to Emission Reductions Achieved Outside the United States)

### **Risk Management Plan**

- 13. For processes subject to 40 CFR Part 68 and specified in 40 CFR § 68.10, the permit holder shall comply with the requirements of the Accidental Release Prevention Provisions in 40 CFR Part 68. The permit holder shall submit to the appropriate agency either a compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR § 68.10(a), or as part of the compliance certification submitted under this permit, a certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of a risk management plan.

### **Protection of Stratospheric Ozone**

- 14. Permit holders at a site subject to Title VI of the FCAA Amendments shall meet the following requirements for protection of stratospheric ozone:
  - A. Any on site servicing, maintenance, and repair on refrigeration and nonmotor vehicle air-conditioning appliances using ozone-depleting refrigerants or non-exempt substitutes shall be conducted in accordance with 40 CFR Part 82, Subpart F. Permit holders shall ensure that repairs on or refrigerant removal from refrigeration and nonmotor vehicle air-conditioning appliances using ozone-depleting refrigerants are performed only by properly certified technicians using certified equipment. Records shall be maintained as required by 40 CFR Part 82, Subpart F.
  - B. The permit holder shall comply with 40 CFR Part 82, Subpart A for controlling the production, transformation, destruction, export or import of a controlled (ozone-depleting) substance or product as specified in 40 CFR § 82.1 - § 82.13 and the applicable Part 82 Appendices.
  - C. The permit holder shall comply with 40 CFR Part 82, Subpart A, § 82.13 related to recordkeeping and reporting requirements for the production and consumption of ozone depleting substances.

### **Temporary Fuel Shortages (30 TAC § 112.15)**

- 15. The permit holder shall comply with the following 30 TAC Chapter 112 requirements:

- A. Title 30 TAC § 112.15 (relating to Temporary Fuel Shortage Plan Filing Requirements)
- B. Title 30 TAC § 112.16(a), (a)(1), and (a)(2)(B) - (C) (relating to Temporary Fuel Shortage Plan Operating Requirements)
- C. Title 30 TAC § 112.17 (relating to Temporary Fuel Shortage Plan Notification Procedures)
- D. Title 30 TAC § 112.18 (relating to Temporary Fuel Shortage Plan Reporting Requirements)

#### **Permit Location**

- 16. The permit holder shall maintain a copy of this permit and records related to requirements listed in this permit on site.

#### **Permit Shield (30 TAC § 122.148)**

- 17. A permit shield is granted for the emission units, groups, or processes specified in the attached "Permit Shield." Compliance with the conditions of the permit shall be deemed compliance with the specified potentially applicable requirements or specified potentially applicable state-only requirements listed in the attachment "Permit Shield." Permit shield provisions shall not be modified by the executive director until notification is provided to the permit holder. No later than 90 days after notification of a change in a determination made by the executive director, the permit holder shall apply for the appropriate permit revision to reflect the new determination. Provisional terms are not eligible for this permit shield. Any term or condition, under a permit shield, shall not be protected by the permit shield if it is replaced by a provisional term or condition or the basis of the term and condition changes.

#### **Acid Rain Permit Requirements**

- 18. For units E-GT and E-HRSG (identified in the Certificate of Representation as EAST), located at the affected source identified by ORIS/Facility code 54817, the designated representative and the owner or operator, as applicable, shall comply with the following Acid Rain Permit requirements.
  - A. General Requirements
    - (i) Under 30 TAC § 122.12(1) and 40 CFR Part 72, the Acid Rain Permit requirements contained here are a separable portion of the Federal Operating Permit (FOP) and have an independent public comment process which may be separate from, or combined with the FOP.
    - (ii) The owner and operator shall comply with the requirements of 40 CFR Part 72. Any noncompliance with the Acid Rain Permit will be considered noncompliance with the FOP and may be subject to enforcement action.
    - (iii) The owners and operators of the affected source shall operate the source and the unit in compliance with the requirements of this Acid Rain Permit and all other applicable State and federal requirements.

- (iv) The owners and operators of the affected source shall comply with the General Terms and Conditions of the FOP that incorporates this Acid Rain Permit.
- (v) The term for the Acid Rain permit shall commence with the issuance of the FOP that incorporates the Acid Rain permit and shall be run concurrent with the remainder of the term of the FOP. Renewal of the Acid Rain permit shall coincide with the renewal of the FOP that incorporates the Acid Rain permit and subsequent terms shall be no more than five years from the date of renewal of the FOP and run concurrent with the permit term of the FOP.

B. Monitoring Requirements

- (i) The owners and operators, and the designated representative, of the affected source and each affected unit at the source shall comply with the monitoring requirements contained 40 CFR Part 75.
- (ii) The emissions measurements recorded and reported in accordance with 40 CFR Part 75 and any other credible evidence shall be used to determine compliance by the affected source with the acid rain emissions limitations and emissions reduction requirements for SO<sub>2</sub> and NO<sub>x</sub> under the ARP.
- (iii) The requirements of 40 CFR Part 75 shall not affect the responsibility of the owners and operators to monitor emission of other pollutants or other emissions characteristics at the unit under other applicable requirements of the FCAA Amendments (42 U.S.C. 7401, as amended November 15, 1990) and other terms and conditions of the operating permit for the source.

C. SO<sub>2</sub> emissions requirements

- (i) The owners and operators of each source and each affected unit at the source shall comply with the applicable acid rain emissions limitations for SO<sub>2</sub>.
- (ii) As of the allowance transfer deadline the owners and operators of the affected source and each affected unit at the source shall hold, in the unit's compliance subaccount, allowances in an amount not less than the total annual emissions of SO<sub>2</sub> for the previous calendar year.
- (iii) Each ton of SO<sub>2</sub> emitted in excess of the acid rain emissions limitations for SO<sub>2</sub> shall constitute a separate violation of the FCAA amendments.
- (iv) An affected unit shall be subject to the requirements under (i) and (ii) of the SO<sub>2</sub> emissions requirements as follows:
  - (1) Starting January 1, 2000, an affected unit under 40 CFR § 72.6(a)(2); or
  - (2) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR Part 75, an affected unit under 40 CFR § 72.6(a)(3).

- (v) Allowances shall be held in, deducted from, or transferred into or among Allowance Tracking System accounts in accordance with the requirements of the ARP.
  - (vi) An allowance shall not be deducted, for compliance with the requirements of this permit, in a calendar year before the year for which the allowance was allocated.
  - (vii) An allowance allocated by the EPA Administrator or under the ARP is a limited authorization to emit SO<sub>2</sub> in accordance with the ARP. No provision of the ARP, Acid Rain permit application, this Acid Rain Permit, or an exemption under 40 CFR §§ 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
  - (viii) An allowance allocated by the EPA Administrator under the ARP does not constitute a property right.
- D. Excess emissions requirements for SO<sub>2</sub> and NO<sub>x</sub>.
- (i) The designated representative of an affected unit that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR Part 77.
  - (ii) If an affected source has excess emissions in any calendar year shall, as required by 40 CFR Part 77:
    - (1) Pay, without demand, the penalty required and pay, upon demand, the interest on that penalty.
    - (2) Comply with the terms of an approved offset plan.
- E. Recordkeeping and Reporting Requirements
- (i) Unless otherwise provided, the owners and operators of the affected source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the permitting authority or the EPA Administrator.
    - (1) The certificate of representation for the designated representative for the source and each affected unit and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR § 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative.
    - (2) All emissions monitoring information, in accordance with 40 CFR Part 75, provided that to the extent that 40 CFR Part 75 provides for a 3-year period for recordkeeping (rather than a five-year period cited in 30 TAC § 122.144), the 3-year period shall apply.

- (3) Copies of all reports, compliance certifications, and other submissions and all records made or required under the ARP or relied upon for compliance certification.
- (4) Copies of all documents used to complete an acid rain permit application and any other submission under the ARP or to demonstrate compliance with the requirements of the ARP.
- (ii) The designated representative of an affected source and each affected unit at the source shall submit the reports required under the ARP including those under 40 CFR Part 72, Subpart I and 40 CFR Part 75.

F. Liability

- (i) Any person who knowingly violates any requirement or prohibition of the ARP, a complete acid rain permit application, an acid rain permit, or a written exemption under 40 CFR §§ 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to FCAA § 113(c).
- (ii) Any person who knowingly makes a false, material statement in any record, submission, or report under the ARP shall be subject to criminal enforcement pursuant to FCAA § 113(c) and 18 U.S.C. 1001.
- (iii) No permit revision shall excuse any violation of the requirements of the ARP that occurs prior to the date that the revision takes effect.
- (iv) The affected source and each affected unit shall meet the requirements of the ARP contained in 40 CFR Parts 72 through 78.
- (v) Any provision of the ARP that applies to an affected source or the designated representative of an affected source shall also apply to the owners and operators of such source and of the affected units at the source.
- (vi) Any provision of the ARP that applies to an affected unit (including a provision applicable to the DR of an affected unit) shall also apply to the owners and operators of such unit. Except as provided under 40 CFR § 72.44 (Phase II repowering extension plans) and 40 CFR § 76.11 (NO<sub>x</sub> averaging plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR Part 75 (including 40 CFR §§ 75.16, 75.17, and 75.18), the owners and operators and the DR of one affected unit shall not be liable for any violation by any other affected unit of which they are not owners or operators or the DR and that is located at a source of which they are not owners or operators or the DR.
- (vii) Each violation of a provision of 40 CFR Parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or DR of such source or unit, shall be a separate violation of the FCAA Amendments.

- G. Effect on other authorities. No provision of the ARP, an acid rain permit application, an acid rain permit, or an exemption under 40 CFR §§ 72.7 or 72.8 shall be construed as:
- (i) Except as expressly provided in Title IV of the FCAA Amendments, exempting or excluding the owners and operators and, to the extent applicable, the DR of an affected source or affected unit from compliance with any other provision of the FCAA Amendments, including the provisions of Title I of the FCAA Amendments relating to applicable National Ambient Air Quality Standards or State Implementation Plans.
  - (ii) Limiting the number of allowances a unit can hold; provided, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the FCAA Amendments.
  - (iii) Requiring a change of any kind in any state law regulating electric utility rates and charges, affecting any state law regarding such state regulation, or limiting such state regulation, including any prudence review requirements under such state law.
  - (iv) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,
  - (v) Interfering with or impairing any program for competitive bidding for power supply in a state in which such program is established.
- H. The number of SO<sub>2</sub> allowances allocated by the EPA in 40 CFR Part 73 is enforceable only by the EPA Administrator.

### **Cross-State Air Pollution Rule Permit Requirements**

19. For units E-GT and E-HRSG (identified in the Certificate of Representation as EAST), located at the site identified by Plant code/ORIS/Facility code 54817, the designated representative and the owner or operator, as applicable, shall comply with the following CSAPR requirements. Until approval of a Texas CSAPR SIP by EPA, the permit holder shall comply with the equivalent requirements of 40 CFR Part 97.

A. General Requirements

- (i) The owners and operators of the CSAPR NO<sub>x</sub> and the CSAPR SO<sub>2</sub> source shall operate the source and the unit in compliance with the requirements of the applicable CSAPR Trading Programs and all other applicable State and federal requirements.
- (ii) The owners and operators of the CSAPR NO<sub>x</sub> and the CSAPR SO<sub>2</sub> source shall comply with the requirements of 40 CFR Part 97, Subpart AAAAA for CSAPR NO<sub>x</sub> Annual Trading Program, Subpart DDDDD for CSAPR SO<sub>2</sub> Group 2 Trading Program, Subpart EEEEE for CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program, and with the General Terms and Conditions of the Federal Operating Permit (FOP) that incorporates the CSAPR requirements.

B. Description of CSAPR Monitoring Provisions

- (i) The CSAPR subject unit(s), and the unit-specific monitoring provisions at this source, are identified in the following paragraph(s). These unit(s) are subject to the requirements for the CSAPR NO<sub>x</sub> Annual Trading Program, CSAPR SO<sub>2</sub> Group 2 Trading Program, and CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program.
  - (1) For unit(s) E-GT and E-HRSG, the owners and operators shall comply with the continuous emission monitoring system or systems (CEMS) requirements pursuant to 40 CFR Part 75, Subpart H for NO<sub>x</sub>, and with the excepted monitoring system requirements for gas- and oil-fired units pursuant to 40 CFR Part 75, Appendix D for SO<sub>2</sub> and heat input.
- (ii) The above description of the monitoring used by a unit does not change, create an exemption from, or otherwise affect the monitoring, recordkeeping, and reporting requirements applicable to the unit under 40 CFR §§ 97.430 through 97.435 (CSAPR NO<sub>x</sub> Annual Trading Program), §§ 97.730 through 97.735 (CSAPR SO<sub>2</sub> Group 2 Trading Program), and §§ 97.830 through 97.835 (CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program). The monitoring, recordkeeping and reporting requirements applicable to each unit are included below in the standard conditions for the applicable CSAPR trading programs.
- (iii) Owners and operators must submit to the Administrator a monitoring plan for each unit in accordance with 40 CFR §§ 75.53, 75.62 and 75.73, as applicable. The monitoring plan for each unit is available at the EPA's website at <https://www.epa.gov/airmarkets/clean-air-markets-monitoring-plans-part-75-sources>.
- (iv) Owners and operators that want to use an alternative monitoring system must submit to the Administrator a petition requesting approval of the alternative monitoring system in accordance with 40 CFR Part 75, Subpart E and 40 CFR § 75.66 and § 97.435 (CSAPR NO<sub>x</sub> Annual Trading Program), § 97.735 (CSAPR SO<sub>2</sub> Group 2 Trading Program), and/or § 97.835 (CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program). The Administrator's response approving or disapproving any petition for an alternative monitoring system is available on the EPA's website at <https://www.epa.gov/airmarkets/part-75-petition-responses>.
- (v) Owners and operators that want to use an alternative to any monitoring, recordkeeping, or reporting requirement under 40 CFR §§ 97.430 through 97.434 (CSAPR NO<sub>x</sub> Annual Trading Program), §§ 97.730 through 97.734 (CSAPR SO<sub>2</sub> Group 2 Trading Program), and/or §§ 97.830 through 97.834 (CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program) must submit to the Administrator a petition requesting approval of the alternative in accordance with 40 CFR § 75.66 and § 97.435 (CSAPR NO<sub>x</sub> Annual Trading Program), § 97.735 (CSAPR SO<sub>2</sub> Group 2 Trading Program), and/or § 97.835 (CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program). The Administrator's response approving or disapproving any petition for an alternative to a monitoring, recordkeeping, or reporting requirement is available on the EPA's website at <https://www.epa.gov/airmarkets/part-75-petition-responses>.



- (vi) The descriptions of monitoring applicable to the unit included above meet the requirement of 40 CFR §§ 97.430 through 97.434 (CSAPR NO<sub>x</sub> Annual Trading Program), §§ 97.730 through 97.734 (CSAPR SO<sub>2</sub> Group 2 Trading Program), and §§ 97.830 through 97.834 (CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program), and therefore procedures for minor permit revisions, in accordance with 30 TAC § 122.217, may be used to add or change this unit's monitoring system description.

20. CSAPR NO<sub>x</sub> Annual Trading Program Requirements (40 CFR § 97.406)

A. Designated representative requirements

- (i) The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR §§ 97.413 through 97.418.

B. Emissions monitoring, reporting, and recordkeeping requirements

- (i) The owners and operators, and the designated representative, of each CSAPR NO<sub>x</sub> Annual source and each CSAPR NO<sub>x</sub> Annual unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR § 97.430 (general requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage), § 97.431 (initial monitoring system certification and recertification procedures), § 97.432 (monitoring system out-of-control periods), § 97.433 (notifications concerning monitoring), § 97.434 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and § 97.435 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).
- (ii) The emissions data determined in accordance with 40 CFR §§ 97.430 through 97.435 and any other credible evidence shall be used to calculate allocations of CSAPR NO<sub>x</sub> Annual allowances under 40 CFR §§ 97.411(a)(2) and (b) and § 97.412 and to determine compliance with the CSAPR NO<sub>x</sub> Annual emissions limitation and assurance provisions under paragraph C. below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR §§ 97.430 through 97.435 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

C. NO<sub>x</sub> emissions requirements

- (i) CSAPR NO<sub>x</sub> Annual emissions limitation
  - (1) As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR NO<sub>x</sub> Annual source and each CSAPR NO<sub>x</sub> Annual unit at the source shall hold, in the source's compliance account, CSAPR NO<sub>x</sub> Annual allowances available for deduction for such control period under 40 CFR § 97.424(a) in an amount not less than the tons of total NO<sub>x</sub>

emissions for such control period from all CSAPR NO<sub>x</sub> Annual units at the source.

(2) If total NO<sub>x</sub> emissions during a control period in a given year from the CSAPR NO<sub>x</sub> Annual units at a CSAPR NO<sub>x</sub> Annual source are in excess of the CSAPR NO<sub>x</sub> Annual emissions limitation set forth in paragraph C.(i)(1) above, then:

- (a) The owners and operators of the source and each CSAPR NO<sub>x</sub> Annual unit at the source shall hold the CSAPR NO<sub>x</sub> Annual allowances required for deduction under 40 CFR § 97.424(d); and
- (b) The owners and operators of the source and each CSAPR NO<sub>x</sub> Annual unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR Part 97, Subpart AAAAA and the Clean Air Act.

(ii) CSAPR NO<sub>x</sub> Annual assurance provisions

(1) If total NO<sub>x</sub> emissions during a control period in a given year from all CSAPR NO<sub>x</sub> Annual units at CSAPR NO<sub>x</sub> Annual sources in the state exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such NO<sub>x</sub> emissions during such control period exceeds the common designated representative's assurance level for the state and such control period, shall hold (in the assurance account established for the owners and operators of such group) CSAPR NO<sub>x</sub> Annual allowances available for deduction for such control period under 40 CFR § 97.425(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR § 97.425(b), of multiplying—

- (a) The quotient of the amount by which the common designated representative's share of such NO<sub>x</sub> emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the state for such control period, by which each common designated representative's share of such NO<sub>x</sub> emissions exceeds the respective common designated representative's assurance level; and
- (b) The amount by which total NO<sub>x</sub> emissions from all CSAPR NO<sub>x</sub> Annual units at CSAPR NO<sub>x</sub> Annual sources in the state for such control period exceed the state assurance level.

- (2) The owners and operators shall hold the CSAPR NO<sub>x</sub> Annual allowances required under paragraph C.(ii)(1) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after such control period.
- (3) Total NO<sub>x</sub> emissions from all CSAPR NO<sub>x</sub> Annual units at CSAPR NO<sub>x</sub> Annual sources in the State during a control period in a given year exceed the state assurance level if such total NO<sub>x</sub> emissions exceed the sum, for such control period, of the state NO<sub>x</sub> Annual trading budget under 40 CFR § 97.410(a) and the state's variability limit under 40 CFR § 97.410(b).
- (4) It shall not be a violation of 40 CFR Part 97, Subpart AAAAAA or of the Clean Air Act if total NO<sub>x</sub> emissions from all CSAPR NO<sub>x</sub> Annual units at CSAPR NO<sub>x</sub> Annual sources in the State during a control period exceed the state assurance level or if a common designated representative's share of total NO<sub>x</sub> emissions from the CSAPR NO<sub>x</sub> Annual units at CSAPR NO<sub>x</sub> Annual sources in the state during a control period exceeds the common designated representative's assurance level.
- (5) To the extent the owners and operators fail to hold CSAPR NO<sub>x</sub> Annual allowances for a control period in a given year in accordance with paragraphs C.(ii)(1) through (3) above,
  - (a) The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
  - (b) Each CSAPR NO<sub>x</sub> Annual allowance that the owners and operators fail to hold for such control period in accordance with paragraphs C.(ii)(1) through (3) above and each day of such control period shall constitute a separate violation of 40 CFR Part 97, Subpart AAAAAA and the Clean Air Act.

(iii) Compliance periods

- (1) A CSAPR NO<sub>x</sub> Annual unit shall be subject to the requirements under paragraph C.(i) above for the control period starting on the later of January 1, 2015, or the deadline for meeting the unit's monitor certification requirements under 40 CFR § 97.430(b) and for each control period thereafter.
- (2) A CSAPR NO<sub>x</sub> Annual unit shall be subject to the requirements under paragraph C.(ii) above for the control period starting on the later of January 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR § 97.430(b) and for each control period thereafter.

(iv) Vintage of allowances held for compliance

- (1) A CSAPR NO<sub>x</sub> Annual allowance held for compliance with the requirements under paragraph C.(i)(1) above for a control period in a given year must be a CSAPR NO<sub>x</sub> Annual allowance that was allocated for such control period or a control period in a prior year.
- (2) A CSAPR NO<sub>x</sub> Annual allowance held for compliance with the requirements under paragraphs C.(i)(2)(a) and (ii)(1) through (3) above for a control period in a given year must be a CSAPR NO<sub>x</sub> Annual allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.
- (v) Allowance Management System requirements. Each CSAPR NO<sub>x</sub> Annual allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR Part 97, Subpart AAAAA.
- (vi) Limited authorization. A CSAPR NO<sub>x</sub> Annual allowance is a limited authorization to emit one ton of NO<sub>x</sub> during the control period in one year. Such authorization is limited in its use and duration as follows:
  - (1) Such authorization shall only be used in accordance with the CSAPR NO<sub>x</sub> Annual Trading Program; and
  - (2) Notwithstanding any other provision of 40 CFR Part 97, Subpart AAAAA, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
- (vii) Property right. A CSAPR NO<sub>x</sub> Annual allowance does not constitute a property right.

D. FOP revision requirements

- (i) No FOP revision shall be required for any allocation, holding, deduction, or transfer of CSAPR NO<sub>x</sub> Annual allowances in accordance with 40 CFR Part 97, Subpart AAAAA.
- (ii) This FOP incorporates the CSAPR emissions monitoring, recordkeeping and reporting requirements pursuant to 40 CFR §§ 97.430 through 97.435, and the requirements for a continuous emission monitoring system (pursuant to 40 CFR Part 75, subparts B and H), an excepted monitoring system (pursuant to 40 CFR Part 75, appendices D and E), a low mass emissions excepted monitoring methodology (pursuant to 40 CFR § 75.19), and an alternative monitoring system (pursuant to 40 CFR Part 75, subpart E). Therefore, the Description of CSAPR Monitoring Provisions for CSAPR subject unit(s) may be added to, or changed, in this FOP using procedures for minor permit revisions in accordance with 30 TAC § 122.217.

E. Additional recordkeeping and reporting requirements

- (i) Unless otherwise provided, the owners and operators of each CSAPR NO<sub>x</sub> Annual source and each CSAPR NO<sub>x</sub> Annual unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
  - (1) The certificate of representation under 40 CFR § 97.416 for the designated representative for the source and each CSAPR NO<sub>x</sub> Annual unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR § 97.416 changing the designated representative.
  - (2) All emissions monitoring information, in accordance with 40 CFR Part 97, Subpart AAAAA.
  - (3) Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the CSAPR NO<sub>x</sub> Annual Trading Program.
- (ii) The designated representative of a CSAPR NO<sub>x</sub> Annual source and each CSAPR NO<sub>x</sub> Annual unit at the source shall make all submissions required under the CSAPR NO<sub>x</sub> Annual Trading Program, except as provided in 40 CFR § 97.418. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under 30 TAC § 122.165.

F. Liability

- (i) Any provision of the CSAPR NO<sub>x</sub> Annual Trading Program that applies to a CSAPR NO<sub>x</sub> Annual source or the designated representative of a CSAPR NO<sub>x</sub> Annual source shall also apply to the owners and operators of such source and of the CSAPR NO<sub>x</sub> Annual units at the source.
- (ii) Any provision of the CSAPR NO<sub>x</sub> Annual Trading Program that applies to a CSAPR NO<sub>x</sub> Annual unit or the designated representative of a CSAPR NO<sub>x</sub> Annual unit shall also apply to the owners and operators of such unit.

G. Effect on other authorities

- (i) No provision of the CSAPR NO<sub>x</sub> Annual Trading Program or exemption under 40 CFR § 97.405 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a CSAPR NO<sub>x</sub> Annual source or CSAPR NO<sub>x</sub> Annual unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.

21. CSAPR SO<sub>2</sub> Group 2 Trading Program Requirements (40 CFR § 97.706)

A. Designated representative requirements

- (i) The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR §§ 97.713 through 97.718.

B. Emissions monitoring, reporting, and recordkeeping requirements

- (i) The owners and operators, and the designated representative, of each CSAPR SO<sub>2</sub> Group 2 source and each CSAPR SO<sub>2</sub> Group 2 unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR § 97.730 (general requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage), § 97.731 (initial monitoring system certification and recertification procedures), § 97.732 (monitoring system out-of-control periods), § 97.733 (notifications concerning monitoring), § 97.734 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and § 97.735 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).
- (ii) The emissions data determined in accordance with 40 CFR § 97.730 through § 97.735 and any other credible evidence shall be used to calculate allocations of CSAPR SO<sub>2</sub> Group 2 allowances under 40 CFR §§ 97.711(a)(2) and (b) and § 97.712 and to determine compliance with the CSAPR SO<sub>2</sub> Group 2 emissions limitation and assurance provisions under paragraph C. below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR §§ 97.730 through 97.735 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

C. SO<sub>2</sub> emissions requirements

- (i) CSAPR SO<sub>2</sub> Group 2 emissions limitation
  - (1) As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR SO<sub>2</sub> Group 2 source and each CSAPR SO<sub>2</sub> Group 2 unit at the source shall hold, in the source's compliance account, CSAPR SO<sub>2</sub> Group 2 allowances available for deduction for such control period under 40 CFR § 97.724(a) in an amount not less than the tons of total SO<sub>2</sub> emissions for such control period from all CSAPR SO<sub>2</sub> Group 2 units at the source.
  - (2) If total SO<sub>2</sub> emissions during a control period in a given year from the CSAPR SO<sub>2</sub> Group 2 units at a CSAPR SO<sub>2</sub> Group 2 source are in excess of the CSAPR SO<sub>2</sub> Group 2 emissions limitation set forth in paragraph C.(i)(1) above, then:
    - (a) The owners and operators of the source and each CSAPR SO<sub>2</sub> Group 2 unit at the source shall hold the CSAPR SO<sub>2</sub>

Group 2 allowances required for deduction under 40 CFR § 97.724(d); and

- (b) The owners and operators of the source and each CSAPR SO<sub>2</sub> Group 2 unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR Part 97, Subpart DDDDD and the Clean Air Act.

(ii) CSAPR SO<sub>2</sub> Group 2 assurance provisions

- (1) If total SO<sub>2</sub> emissions during a control period in a given year from all CSAPR SO<sub>2</sub> Group 2 units at CSAPR SO<sub>2</sub> Group 2 sources in the state exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such SO<sub>2</sub> emissions during such control period exceeds the common designated representative's assurance level for the state and such control period, shall hold (in the assurance account established for the owners and operators of such group) CSAPR SO<sub>2</sub> Group 2 allowances available for deduction for such control period under 40 CFR § 97.725(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR § 97.725(b), of multiplying—
  - (a) The quotient of the amount by which the common designated representative's share of such SO<sub>2</sub> emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the state for such control period, by which each common designated representative's share of such SO<sub>2</sub> emissions exceeds the respective common designated representative's assurance level; and
  - (b) The amount by which total SO<sub>2</sub> emissions from all CSAPR SO<sub>2</sub> Group 2 units at CSAPR SO<sub>2</sub> Group 2 sources in the state for such control period exceed the state assurance level.
- (2) The owners and operators shall hold the CSAPR SO<sub>2</sub> Group 2 allowances required under paragraph C.(ii)(1) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after such control period.
- (3) Total SO<sub>2</sub> emissions from all CSAPR SO<sub>2</sub> Group 2 units at CSAPR SO<sub>2</sub> Group 2 sources in the state during a control period in a given year exceed the state assurance level if such total SO<sub>2</sub> emissions exceed the sum, for such control period, of the state SO<sub>2</sub> Group 2

trading budget under 40 CFR § 97.710(a) and the state's variability limit under 40 CFR § 97.710(b).

- (4) It shall not be a violation of 40 CFR Part 97, Subpart DDDDD or of the Clean Air Act if total SO<sub>2</sub> emissions from all CSAPR SO<sub>2</sub> Group 2 units at CSAPR SO<sub>2</sub> Group 2 sources in the state during a control period exceed the state assurance level or if a common designated representative's share of total SO<sub>2</sub> emissions from the CSAPR SO<sub>2</sub> Group 2 units at CSAPR SO<sub>2</sub> Group 2 sources in the state during a control period exceeds the common designated representative's assurance level.
- (5) To the extent the owners and operators fail to hold CSAPR SO<sub>2</sub> Group 2 allowances for a control period in a given year in accordance with paragraphs C.(ii)(1) through (3) above,
  - (a) The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
  - (b) Each CSAPR SO<sub>2</sub> Group 2 allowance that the owners and operators fail to hold for such control period in accordance with paragraphs C.(ii)(1) through (3) above and each day of such control period shall constitute a separate violation of 40 CFR Part 97, Subpart DDDDD and the Clean Air Act.

(iii) Compliance periods

- (1) A CSAPR SO<sub>2</sub> Group 2 unit shall be subject to the requirements under paragraph C.(i) above for the control period starting on the later of January 1, 2015 or the deadline for meeting the unit's monitor certification requirements under 40 CFR § 97.730(b) and for each control period thereafter.
- (2) A CSAPR SO<sub>2</sub> Group 2 unit shall be subject to the requirements under paragraph C.(ii) above for the control period starting on the later of January 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR § 97.730(b) and for each control period thereafter.

(iv) Vintage of allowances held for compliance

- (1) A CSAPR SO<sub>2</sub> Group 2 allowance held for compliance with the requirements under paragraph C.(i)(1) above for a control period in a given year must be a CSAPR SO<sub>2</sub> Group 2 allowance that was allocated for such control period or a control period in a prior year.
- (2) A CSAPR SO<sub>2</sub> Group 2 allowance held for compliance with the requirements under paragraphs C.(i)(2)(a) and (ii)(1) through (3) above for a control period in a given year must be a CSAPR SO<sub>2</sub> Group 2 allowance that was allocated for a control period in a



prior year or the control period in the given year or in the immediately following year.

- (v) Allowance Management System requirements. Each CSAPR SO<sub>2</sub> Group 2 allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR Part 97, Subpart DDDDD.
- (vi) Limited authorization. A CSAPR SO<sub>2</sub> Group 2 allowance is a limited authorization to emit one ton of SO<sub>2</sub> during the control period in one year. Such authorization is limited in its use and duration as follows:
  - (1) Such authorization shall only be used in accordance with the CSAPR SO<sub>2</sub> Group 2 Trading Program; and
  - (2) Notwithstanding any other provision of 40 CFR Part 97, Subpart DDDDD, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
- (vii) Property right. A CSAPR SO<sub>2</sub> Group 2 allowance does not constitute a property right.

D. FOP revision requirements

- (i) No FOP revision shall be required for any allocation, holding, deduction, or transfer of CSAPR SO<sub>2</sub> Group 2 allowances in accordance with 40 CFR Part 97, Subpart DDDDD.
- (ii) This FOP incorporates the CSAPR emissions monitoring, recordkeeping and reporting requirements pursuant to 40 CFR §§ 97.730 through 97.735, and the requirements for a continuous emission monitoring system (pursuant to 40 CFR Part 75, subparts B and H), an excepted monitoring system (pursuant to 40 CFR Part 75, appendices D and E), a low mass emissions excepted monitoring methodology (pursuant to 40 CFR § 75.19), and an alternative monitoring system (pursuant to 40 CFR Part 75, subpart E). Therefore the Description of CSAPR Monitoring Provisions for CSAPR subject unit(s) may be added to, or changed, in this FOP using procedures for minor permit revisions in accordance with 30 TAC § 122.217.

E. Additional recordkeeping and reporting requirements

- (i) Unless otherwise provided, the owners and operators of each CSAPR SO<sub>2</sub> Group 2 source and each CSAPR SO<sub>2</sub> Group 2 unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
  - (1) The certificate of representation under 40 CFR § 97.716 for the designated representative for the source and each CSAPR SO<sub>2</sub> Group 2 unit at the source and all documents that demonstrate

the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR § 97.716 changing the designated representative.

- (2) All emissions monitoring information, in accordance with 40 CFR Part 97, Subpart DDDDD.
- (3) Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the CSAPR SO<sub>2</sub> Group 2 Trading Program.

- (ii) The designated representative of a CSAPR SO<sub>2</sub> Group 2 source and each CSAPR SO<sub>2</sub> Group 2 unit at the source shall make all submissions required under the CSAPR SO<sub>2</sub> Group 2 Trading Program, except as provided in 40 CFR § 97.718. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under 30 TAC § 122.165.

F. Liability

- (i) Any provision of the CSAPR SO<sub>2</sub> Group 2 Trading Program that applies to a CSAPR SO<sub>2</sub> Group 2 source or the designated representative of a CSAPR SO<sub>2</sub> Group 2 source shall also apply to the owners and operators of such source and of the CSAPR SO<sub>2</sub> Group 2 units at the source.
- (ii) Any provision of the CSAPR SO<sub>2</sub> Group 2 Trading Program that applies to a CSAPR SO<sub>2</sub> Group 2 unit or the designated representative of a CSAPR SO<sub>2</sub> Group 2 unit shall also apply to the owners and operators of such unit.

G. Effect on other authorities

- (i) No provision of the CSAPR SO<sub>2</sub> Group 2 Trading Program or exemption under 40 CFR § 97.705 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a CSAPR SO<sub>2</sub> Group 2 source or CSAPR SO<sub>2</sub> Group 2 unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.

22. CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program Requirements (40 CFR § 97.806)

A. Designated representative requirements

- (i) The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR §§ 97.813 through 97.818.

B. Emissions monitoring, reporting, and recordkeeping requirements

- (i) The owners and operators, and the designated representative, of each CSAPR NO<sub>x</sub> Ozone Season Group 2 source and each CSAPR NO<sub>x</sub> Ozone Season Group 2 unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR § 97.830 (general requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage), § 97.831 (initial monitoring system certification and recertification procedures), § 97.832 (monitoring system out-of-control periods), § 97.833 (notifications concerning monitoring), § 97.834 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and § 97.835 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).
- (ii) The emissions data determined in accordance with 40 CFR § 97.830 through § 97.835 and any other credible evidence shall be used to calculate allocations of CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances under 40 CFR §§ 97.811 (a)(2) and (b) and § 97.812 and to determine compliance with the CSAPR NO<sub>x</sub> Ozone Season Group 2 emissions limitation and assurance provisions under paragraph C. below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR §§ 97.830 through 97.835 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

C. NO<sub>x</sub> emissions requirements

- (i) CSAPR NO<sub>x</sub> Ozone Season Group 2 emissions limitation
  - (1) As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR NO<sub>x</sub> Ozone Season Group 2 source and each CSAPR NO<sub>x</sub> Ozone Season Group 2 unit at the source shall hold, in the source's compliance account, CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances available for deduction for such control period under 40 CFR § 97.824 (a) in an amount not less than the tons of total NO<sub>x</sub> emissions for such control period from all CSAPR NO<sub>x</sub> Ozone Season Group 2 units at the source.
  - (2) If total NO<sub>x</sub> emissions during a control period in a given year from the CSAPR NO<sub>x</sub> Ozone Season Group 2 units at a CSAPR NO<sub>x</sub> Ozone Season Group 2 source are in excess of the CSAPR NO<sub>x</sub> Ozone Season Group 2 emissions limitation set forth in paragraph C.(i)(1) above, then:
    - (a) The owners and operators of the source and each CSAPR NO<sub>x</sub> Ozone Season Group 2 unit at the source shall hold the CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances required for deduction under 40 CFR § 97.824 (d); and
    - (b) The owners and operators of the source and each CSAPR NO<sub>x</sub> Ozone Season Group 2 unit at the source shall pay any

fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR Part 97, Subpart EEEEE and the Clean Air Act.

(ii) CSAPR NO<sub>x</sub> Ozone Season Group 2 assurance provisions

- (1) If total NO<sub>x</sub> emissions during a control period in a given year from all CSAPR NO<sub>x</sub> Ozone Season Group 2 units at CSAPR NO<sub>x</sub> Ozone Season Group 2 sources in the state exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such NO<sub>x</sub> emissions during such control period exceeds the common designated representative's assurance level for the state and such control period, shall hold (in the assurance account established for the owners and operators of such group) CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances available for deduction for such control period under 40 CFR § 97.825 (a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR § 97.825 (b), of multiplying—
  - (a) The quotient of the amount by which the common designated representative's share of such NO<sub>x</sub> emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the state for such control period, by which each common designated representative's share of such NO<sub>x</sub> emissions exceeds the respective common designated representative's assurance level; and
  - (b) The amount by which total NO<sub>x</sub> emissions from all CSAPR NO<sub>x</sub> Ozone Season Group 2 units at CSAPR NO<sub>x</sub> Ozone Season Group 2 sources in the state for such control period exceed the state assurance level.
- (2) The owners and operators shall hold the CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances required under paragraph C.(ii)(1) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after such control period.
- (3) Total NO<sub>x</sub> emissions from all CSAPR NO<sub>x</sub> Ozone Season Group 2 units at CSAPR NO<sub>x</sub> Ozone Season Group 2 sources in the state during a control period in a given year exceed the state assurance level if such total NO<sub>x</sub> emissions exceed the sum, for such control period, of the state NO<sub>x</sub> Ozone Season Group 2 trading budget under 40 CFR § 97.810 (a) and the state's variability limit under 40 CFR § 97.810 (b).

- (4) It shall not be a violation of 40 CFR Part 97, Subpart EEEEE or of the Clean Air Act if total NO<sub>x</sub> emissions from all CSAPR NO<sub>x</sub> Ozone Season Group 2 units at CSAPR NO<sub>x</sub> Ozone Season Group 2 sources in the state during a control period exceed the state assurance level or if a common designated representative's share of total NO<sub>x</sub> emissions from the CSAPR NO<sub>x</sub> Ozone Season Group 2 units at CSAPR NO<sub>x</sub> Ozone Season Group 2 sources in the state during a control period exceeds the common designated representative's assurance level.
- (5) To the extent the owners and operators fail to hold CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances for a control period in a given year in accordance with paragraphs C.(ii)(1) through (3) above,
  - (a) The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
  - (b) Each CSAPR NO<sub>x</sub> Ozone Season Group 2 allowance that the owners and operators fail to hold for such control period in accordance with paragraphs C.(ii)(1) through (3) above and each day of such control period shall constitute a separate violation of 40 CFR Part 97, Subpart EEEEE and the Clean Air Act.

(iii) Compliance periods

- (1) A CSAPR NO<sub>x</sub> Ozone Season Group 2 unit shall be subject to the requirements under paragraph C.(i) above for the control period starting on the later of May 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR § 97.830 (b) and for each control period thereafter.
- (2) A CSAPR NO<sub>x</sub> Ozone Season Group 2 unit shall be subject to the requirements under paragraph C.(ii) above for the control period starting on the later of May 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR § 97.830 (b) and for each control period thereafter.

(iv) Vintage of allowances held for compliance

- (1) A CSAPR NO<sub>x</sub> Ozone Season Group 2 allowance held for compliance with the requirements under paragraph C.(i)(1) above for a control period in a given year must be a CSAPR NO<sub>x</sub> Ozone Season Group 2 allowance that was allocated for such control period or a control period in a prior year.
- (2) A CSAPR NO<sub>x</sub> Ozone Season Group 2 allowance held for compliance with the requirements under paragraphs C.(i)(2)(a) and (ii)(1) through (3) above for a control period in a given year must be a CSAPR NO<sub>x</sub> Ozone Season Group 2 allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.

- (v) Allowance Management System requirements. Each CSAPR NO<sub>x</sub> Ozone Season Group 2 allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR Part 97, Subpart EEEEE.
- (vi) Limited authorization. A CSAPR NO<sub>x</sub> Ozone Season Group 2 allowance is a limited authorization to emit one ton of NO<sub>x</sub> during the control period in one year. Such authorization is limited in its use and duration as follows:
  - (1) Such authorization shall only be used in accordance with the CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program; and
  - (2) Notwithstanding any other provision of 40 CFR Part 97, Subpart EEEEE, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
- (vii) Property right. A CSAPR NO<sub>x</sub> Ozone Season Group 2 allowance does not constitute a property right.

D. FOP revision requirements

- (i) No FOP revision shall be required for any allocation, holding, deduction, or transfer of CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances in accordance with 40 CFR Part 97, Subpart EEEEE.
- (ii) This FOP incorporates the CSAPR emissions monitoring, recordkeeping and reporting requirements pursuant to 40 CFR §§ 97.830 through 97.835, and the requirements for a continuous emission monitoring system (pursuant to 40 CFR Part 75, subpart H), an excepted monitoring system (pursuant to 40 CFR Part 75, appendices D and E), a low mass emissions excepted monitoring methodology (pursuant to 40 CFR § 75.19), and an alternative monitoring system (pursuant to 40 CFR Part 75, subpart E). Therefore the Description of CSAPR Monitoring Provisions for CSAPR subject unit(s) may be added to, or changed, in this FOP using procedures for minor permit revisions in accordance with 30 TAC § 122.217.

E. Additional recordkeeping and reporting requirements

- (i) Unless otherwise provided, the owners and operators of each CSAPR NO<sub>x</sub> Ozone Season Group 2 source and each CSAPR NO<sub>x</sub> Ozone Season Group 2 unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
  - (1) The certificate of representation under 40 CFR § 97.816 for the designated representative for the source and each CSAPR NO<sub>x</sub> Ozone Season Group 2 unit at the source and all documents that demonstrate the truth of the statements in the certificate of

representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR § 97.816 changing the designated representative.

- (2) All emissions monitoring information, in accordance with 40 CFR Part 97, Subpart EEEEE.
  - (3) Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program.
- (ii) The designated representative of a CSAPR NO<sub>x</sub> Ozone Season Group 2 source and each CSAPR NO<sub>x</sub> Ozone Season Group 2 unit at the source shall make all submissions required under the CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program, except as provided in 40 CFR § 97.818. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under 30 TAC § 122.165.

F. Liability

- (i) Any provision of the CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program that applies to a CSAPR NO<sub>x</sub> Ozone Season Group 2 source or the designated representative of a CSAPR NO<sub>x</sub> Ozone Season Group 2 source shall also apply to the owners and operators of such source and of the CSAPR NO<sub>x</sub> Ozone Season Group 2 units at the source.
- (ii) Any provision of the CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program that applies to a CSAPR NO<sub>x</sub> Ozone Season Group 2 unit or the designated representative of a CSAPR NO<sub>x</sub> Ozone Season Group 2 unit shall also apply to the owners and operators of such unit.

G. Effect on other authorities

- (i) No provision of the CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program or exemption under 40 CFR § 97.805 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a CSAPR NO<sub>x</sub> Ozone Season Group 2 source or CSAPR NO<sub>x</sub> Ozone Season Group 2 unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.

## **Attachments**

**Applicable Requirements Summary**

**Permit Shield**

**New Source Review Authorization References**



**Applicable Requirements Summary**

**Unit Summary ..... 32**

**Applicable Requirements Summary ..... 33**

Note: A “none” entry may be noted for some emission sources in this permit’s “Applicable Requirements Summary” under the heading of “Monitoring and Testing Requirements” and/or “Recordkeeping Requirements” and/or “Reporting Requirements.” Such a notation indicates that there are no requirements for the indicated emission source as identified under the respective column heading(s) for the stated portion of the regulation when the emission source is operating under the conditions of the specified SOP Index Number. However, other relevant requirements pursuant to 30 TAC Chapter 122 including Recordkeeping Terms and Conditions (30 TAC § 122.144), Reporting Terms and Conditions (30 TAC § 122.145), and Compliance Certification Terms and Conditions (30 TAC § 122.146) continue to apply.

### Unit Summary

Unit/Group/ Process ID No.	Unit Type	Group/Inclusive Units	SOP Index No.	Regulation	Requirement Driver
E-GT	STATIONARY TURBINES	N/A	FO1	40 CFR Part 60, Subpart GG	Fuel Supply = Stationary gas turbine is supplied its fuel from a bulk storage tank., Fuel Type Fired = Liquid fuel
E-GT	STATIONARY TURBINES	N/A	NG2	40 CFR Part 60, Subpart GG	Fuel Supply = Stationary gas turbine is supplied its fuel without intermediate bulk storage, Fuel Type Fired = Natural gas meeting the definition in § 60.331(u).
E-HRSG	BOILERS/STEAM GENERATORS/STEAM GENERATING UNITS	N/A	NG1	40 CFR Part 60, Subpart Da	No changing attributes.
FO-LOAD1	LOADING/UNLOADING OPERATIONS	N/A	FO-115	30 TAC Chapter 115, Loading and Unloading of VOC	No changing attributes.
FP-1	SRIC ENGINES	N/A	63ZZZZ	40 CFR Part 63, Subpart ZZZZ	No changing attributes.
OIL-TK	STORAGE TANKS/VESSELS	N/A	115-FOT	30 TAC Chapter 115, Storage of VOCs	No changing attributes.

### Applicable Requirements Summary

Unit Group Process ID No.	Unit Group Process Type	SOP Index No.	Pollutant	State Rule or Federal Regulation Name	Emission Limitation, Standard or Equipment Specification Citation	Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
E-GT	EU	FO1	SO <sub>2</sub>	40 CFR Part 60, Subpart GG	§ 60.333(b)	No stationary gas turbine shall burn any fuel which contains sulfur in excess of 0.8% by weight.	§ 60.334(h) § 60.334(h)(4)	None	None
E-GT	EU	FO1	NO <sub>x</sub>	40 CFR Part 60, Subpart GG	§ 60.332(a)(1) § 60.332(a)(3) § 60.332(f) § 60.332(i)	No owner or operator shall discharge into the atmosphere from any stationary gas turbine, any gases which contain nitrogen oxides in excess of the amount as determined from the specified equation.	[G]§ 60.334(b) § 60.334(j) § 60.334(j)(1) [G]§ 60.334(j)(1)(iii) [G]§ 60.335(a) § 60.335(b)(2) § 60.335(b)(3)	[G]§ 60.334(b)	§ 60.334(j) § 60.334(j)(3) § 60.334(j)(5)
E-GT	EU	NG2	SO <sub>2</sub>	40 CFR Part 60, Subpart GG	§ 60.333(b)	No stationary gas turbine shall burn any fuel which contains sulfur in excess of 0.8% by weight.	§ 60.334(h) § 60.334(h)(4)	None	None
E-GT	EU	NG2	NO <sub>x</sub>	40 CFR Part 60, Subpart GG	§ 60.332(a)(1) § 60.332(a)(3) § 60.332(f) § 60.332(i)	No owner or operator shall discharge into the atmosphere from any stationary gas turbine, any gases which contain nitrogen oxides in excess of the amount as determined from the specified equation.	[G]§ 60.334(b) § 60.334(j) § 60.334(j)(1) [G]§ 60.334(j)(1)(iii) [G]§ 60.335(a) § 60.335(b)(2) § 60.335(b)(3)	[G]§ 60.334(b)	§ 60.334(j) § 60.334(j)(3) § 60.334(j)(5)
E-HRSG	EU	NG1	PM(OPACITY), PM, NO <sub>x</sub> , SO <sub>2</sub>	40 CFR Part 60, Subpart Da	§ 60.40Da(a) The permit holder shall comply with the applicable limitation, standard and/or equipment specification	The permit holder shall comply with the applicable requirements of 40 CFR Part 60, Subpart Da	The permit holder shall comply with the applicable monitoring and testing requirements of 40 CFR Part 60, Subpart Da	The permit holder shall comply with the applicable recordkeeping requirements of 40 CFR Part 60, Subpart Da	The permit holder shall comply with the applicable reporting requirements of 40 CFR Part 60, Subpart Da

### Applicable Requirements Summary

Unit Group Process ID No.	Unit Group Process Type	SOP Index No.	Pollutant	State Rule or Federal Regulation Name	Emission Limitation, Standard or Equipment Specification Citation	Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
					requirements of 40 CFR Part 60, Subpart Da				
FO-LOAD1	EU	FO-115	VOC	30 TAC Chapter 115, Loading and Unloading of VOC	§ 115.217(a)(1) § 115.212(a)(2) § 115.214(a)(1)(B) § 115.214(a)(1)(D) § 115.214(a)(1)(D)(i)	Vapor pressure (at land-based operations). All land-based loading and unloading of VOC with a true vapor pressure less than 0.5 psia is exempt from the requirements of this division, except as specified.	§ 115.214(a)(1)(A) § 115.214(a)(1)(A)(i) § 115.215 § 115.215(4)	§ 115.216 § 115.216(2) § 115.216(3)(B)	None
FP-1	EU	63ZZZZ	112(B) HAPS	40 CFR Part 63, Subpart ZZZZ	§ 63.6603(a)-Table2d.4 § 63.6595(a)(1) § 63.6605(a) § 63.6605(b) § 63.6625(e) § 63.6625(h) § 63.6625(i) § 63.6640(b) § 63.6640(f)(1) [G]§ 63.6640(f)(2) [G]§ 63.6640(f)(4)	For each existing emergency stationary CI RICE and black start stationary CI RICE, located at an area source, you must comply with the requirements as specified in Table 2d.4.a-c.	§ 63.6625(f) § 63.6625(i) § 63.6640(a) § 63.6640(a)-Table6.9.a.i § 63.6640(a)-Table6.9.a.ii § 63.6640(b)	§ 63.6625(i) § 63.6655(d) § 63.6655(e) § 63.6655(f) § 63.6660(a) § 63.6660(b) § 63.6660(c)	§ 63.6640(b) § 63.6640(e) § 63.6650(f)
OIL-TK	EU	115-FOT	VOC	30 TAC Chapter 115, Storage of VOCs	§ 115.111(a)(1)	Except as provided in § 115.118, a storage tank storing VOC with a true vapor pressure less than 1.5 psia is exempt from the requirements of this division.	[G]§ 115.117	§ 115.118(a)(1) § 115.118(a)(5) § 115.118(a)(6)(A) § 115.118(a)(7)	None

**Permit Shield**

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### Permit Shield

The Executive Director of the TCEQ has determined that the permit holder is not required to comply with the specific regulation(s) identified for each emission unit, group, or process in this table.

Unit/Group/Process		Regulation	Basis of Determination
ID No.	Group/Inclusive Units		
E-GT	N/A	40 CFR Part 63, Subpart YYYY	Site is not a major HAP source (Turbine MACT)
E-HRSG	N/A	40 CFR Part 63, Subpart DDDDD	Site is not a major HAP source (Boiler MACT)
E-HRSG	N/A	40 CFR Part 63, Subpart JJJJJ	The unit is an electric utility steam generating unit (EGU) as defined in this subpart 63.11195(k).
FP-1	N/A	40 CFR Part 60, Subpart IIII	Diesel fire pump engine constructed prior to applicability date
OIL-TK	N/A	40 CFR Part 60, Subpart Kb	Fuel oil tank storing material with a TVP less than 3.5 kPa
OIL-TK2	N/A	30 TAC Chapter 115, Storage of VOCs	Storage capacity is less than 1,000 gallons.
OIL-TK2	N/A	40 CFR Part 60, Subpart Kb	Fuel oil tank storing material with a TVP less than 3.5 kPa

**New Source Review Authorization References**

<b>New Source Review Authorization References.....</b>	<b>38</b>
<b>New Source Review Authorization References by Emission Unit .....</b>	<b>39</b>

### New Source Review Authorization References

The New Source Review authorizations listed in the table below are applicable requirements under 30 TAC Chapter 122 and enforceable under this operating permit.

<b>Prevention of Significant Deterioration (PSD) Permits</b>	
PSD Permit No.: PSDTX839	Issuance Date: 03/30/2015
<b>Title 30 TAC Chapter 116 Permits, Special Permits, and Other Authorizations (Other Than Permits By Rule, PSD Permits, or NA Permits) for the Application Area.</b>	
Authorization No.: 25384	Issuance Date: 03/30/2015
<b>Permits By Rule (30 TAC Chapter 106) for the Application Area</b>	
Number: 106.227	Version No./Date: 09/04/2000
Number: 106.263	Version No./Date: 11/01/2001
Number: 106.371	Version No./Date: 09/04/2000
Number: 106.373	Version No./Date: 09/04/2000
Number: 106.454	Version No./Date: 11/01/2001
Number: 106.472	Version No./Date: 09/04/2000
Number: 106.511	Version No./Date: 09/04/2000



### **New Source Review Authorization References by Emissions Unit**

The following is a list of New Source Review (NSR) authorizations for emission units listed elsewhere in this operating permit. The NSR authorizations are applicable requirements under 30 TAC Chapter 122 and enforceable under this operating permit.

<b>Unit/Group/Process ID No.</b>	<b>Emission Unit Name/Description</b>	<b>New Source Review Authorization</b>
E-GT	250 MW GAS TURBINE	25384, PSDTX839
E-HRSG	375 MMBTU/HR HRSG	25384, PSDTX839
FO-LOAD1	FUEL LOADING UNLOADING POINT	106.472/09/04/2000
FP-1	182-HP DIESEL FIRE WATER PUMP ENGINE	25384, PSDTX839
OIL-TK2	FUEL OIL TANK 2	25384, PSDTX839
OIL-TK	FUEL OIL TANK	25384, PSDTX839

**Appendix A**

<b>Acronym List .....</b>	<b>41</b>
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## Acronym List

The following abbreviations or acronyms may be used in this permit:

ACFM .....	actual cubic feet per minute
AMOC .....	alternate means of control
ARP .....	Acid Rain Program
ASTM .....	American Society of Testing and Materials
B/PA .....	Beaumont/Port Arthur (nonattainment area)
CAM .....	Compliance Assurance Monitoring
CD .....	control device
COMS .....	continuous opacity monitoring system
CVS .....	closed-vent system
D/FW .....	Dallas/Fort Worth (nonattainment area)
DR .....	Designated Representative
ELP .....	El Paso (nonattainment area)
EP .....	emission point
EPA .....	U.S. Environmental Protection Agency
EU .....	emission unit
FCAA Amendments .....	Federal Clean Air Act Amendments
FOP .....	federal operating permit
GF .....	grandfathered
gr/100 scf .....	grains per 100 standard cubic feet
HAP .....	hazardous air pollutant
H/G/B .....	Houston/Galveston/Brazoria (nonattainment area)
H <sub>2</sub> S .....	hydrogen sulfide
ID No. ....	identification number
lb/hr .....	pound(s) per hour
MMBtu/hr .....	Million British thermal units per hour
MRRT .....	monitoring, recordkeeping, reporting, and testing
NA .....	nonattainment
N/A .....	not applicable
NADB .....	National Allowance Data Base
NO <sub>x</sub> .....	nitrogen oxides
NSPS .....	New Source Performance Standard (40 CFR Part 60)
NSR .....	New Source Review
ORIS .....	Office of Regulatory Information Systems
Pb .....	lead
PBR .....	Permit By Rule
PM .....	particulate matter
ppmv .....	parts per million by volume
PSD .....	prevention of significant deterioration
RO .....	Responsible Official
SO <sub>2</sub> .....	sulfur dioxide
TCEQ .....	Texas Commission on Environmental Quality
TSP .....	total suspended particulate
TVP .....	true vapor pressure
U.S.C. ....	United States Code
VOC .....	volatile organic compound

## **Appendix B**

<b>Major NSR Summary Table .....</b>	<b>43</b>
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**Major NSR Summary Table**

Permit Number: 25384/ PSDTX839			Issuance Date: 3/30/2015				
Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates		Monitoring and Testing Requirements	Recordkeeping Requirements	Reporting Requirements
			lb/hour	TPY(4)	Spec. Cond.	Spec. Cond.	Spec. Cond.
E-CT/HRSG	Turbine and 375 MMBtu/hr Heat Recovery Steam Generator (5)	NOx	115.7	272.8	7, 14, 16, 17, 18, 20, 23	2, 7, 14, 16, 24, 17, 18, 20, 21, 23, 31	14, 16, 17, 18, 20, 21, 23, 24
		NOx (MSS)(7)	330.0	-	7, 17, 18, 20, 23	2, 7, 17, 18, 20, 21, 23, 28, 31	17, 18, 20, 21, 23
		CO	348.5	462.6	7, 16, 17, 18, 20	2, 7, 16, 17, 18, 20, 21, 24, 31	16, 17, 18, 20, 21, 24,
		CO (MSS)(7)	879.0	-	7, 17, 18, 20	2, 7, 17, 18, 20, 21, 28, 31	17, 18, 20, 21
		VOC	30.0	42.3	7, 16, 18	2, 7, 16, 18, 24, 31	16, 18, 24
		SO2	87.22	72.5	7, 14, 16, 18, 22	2, 3, 7, 14, 16, 18, 22, 24, 31	14, 16, 18, 24
		PM	57.8	65.2	7, 8, 16, 18	2, 7, 8, 16, 18, 24, 31	16, 18, 24
		PM10	57	61.9	7, 8, 16, 18	2, 7, 8, 16, 18, 24, 31	16, 18, 24
		NH3	32.5	130.5	7, 16, 17, 19, 20	2, 7, 10, 12, 13, 16, 17, 19, 20, 21, 24, 31	16, 17, 19, 20, 21, 24
		Pb	0.1	<0.1	7, 18	2, 7, 18, 31	18
FP-1	Fire Pump (6) 182 Hp	NOx	1.87	0.02	7	2, 7, 31	
		CO	0.41	<0.01	7	2, 7, 31	
		VOC	0.15	<0.01	7	2, 7, 31	
		SO2	0.12	<0.01	7	2, 7, 31	
		PM	0.13	<0.01	7, 8	2, 7, 8, 31	

## Major NSR Summary Table

Permit Number: 25384/ PSDTX839			Issuance Date: 3/30/2015				
Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates		Monitoring and Testing Requirements	Recordkeeping Requirements	Reporting Requirements
			lb/hour	TPY(4)	Spec. Cond.	Spec. Cond.	Spec. Cond.
SO4-TK	Sulfuric Acid Tank	VOC	<0.1	<0.1		2	
OIL-TK1	Fuel Oil Tank	VOC	0.6	0.3		2, 7	
OIL-TK2	Fuel Oil Tank	VOC	0.6	0.3		2, 7,	
MSSFUG	MSSFUG	VOC	0.26	0.05	7	2, 7 29, 31	
		PM/PM10/PM2.5	0.05	<0.01	7	2, 7 29, 31	
		NOx	<0.01	<0.01	7	2, 7 29, 31	
		NH3	0.16	<0.01	7, 12	2, 7 29, 31	

### Footnotes:

- (1) Emission point identification - either specific equipment designation or emission point number from plot plan.
- (2) Specific point source name. For fugitive sources, use area name or fugitive source name.
- (3) VOC - volatile organic compounds as defined in Title 30 Texas Administrative Code § 101.1  
 NO<sub>x</sub> - total oxides of nitrogen  
 SO<sub>2</sub> - sulfur dioxide  
 PM - total particulate matter, suspended in the atmosphere, including PM<sub>10</sub> and PM<sub>2.5</sub>, as represented  
 PM<sub>10</sub> - total particulate matter equal to or less than 10 microns in diameter, including PM<sub>2.5</sub>, as represented  
 PM<sub>2.5</sub> - total particulate matter equal to or less than 2.5 microns in diameter, as represented  
 CO - carbon monoxide  
 Pb - lead  
 NH<sub>3</sub> - Ammonia
- (4) Compliance with annual emission limits (tons per year) is based on a 12 month rolling period.
- (5) The allowable emissions shown represent worse-case emissions for 8,040 hours and 720 hours of natural gas and fuel oil firing, respectively, in the CT. The HRSG fires natural gas only and supplies steam to a 104 MW steam turbine.
- (6) Source qualifies for Permit by Rule 30 TAC • 106.511.
- (7) For each pollutant whose emissions during planned MSS activities are measured using a CEMS, the MSS lb/hr limits apply only during each clock hour that includes one or more minutes of MSS activities. During all other clock hours, the normal lb/hr limits apply.



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
AIR QUALITY PERMIT



*A Permit Is Hereby Issued To*  
**Brazos Electric Power Cooperative, Inc.**  
*Authorizing the Construction and Operation of*  
**Electric Generating Facility**  
*Located at* **Cleburne, Johnson County, Texas**  
*Latitude* 32° 23' 57" *Longitude* -97° 24' 29"

Permits: 25384 and PSDTX839

Revision Date : March 30, 2015

Expiration Date: April 9, 2024

For the Commission

1. **Facilities** covered by this permit shall be constructed and operated as specified in the application for the permit. All representations regarding construction plans and operation procedures contained in the permit application shall be conditions upon which the permit is issued. Variations from these representations shall be unlawful unless the permit holder first makes application to the Texas Commission on Environmental Quality (commission) Executive Director to amend this permit in that regard and such amendment is approved. [Title 30 Texas Administrative Code 116.116 (30 TAC 116.116)]
2. **Voiding of Permit.** A permit or permit amendment is automatically void if the holder fails to begin construction within 18 months of the date of issuance, discontinues construction for more than 18 months prior to completion, or fails to complete construction within a reasonable time. Upon request, the executive director may grant an 18-month extension. Before the extension is granted the permit may be subject to revision based on best available control technology, lowest achievable emission rate, and netting or offsets as applicable. One additional extension of up to 18 months may be granted if the permit holder demonstrates that emissions from the facility will comply with all rules and regulations of the commission, the intent of the Texas Clean Air Act (TCAA), including protection of the public's health and physical property; and (b)(1) the permit holder is a party to litigation not of the permit holder's initiation regarding the issuance of the permit; or (b)(2) the permit holder has spent, or committed to spend, at least 10 percent of the estimated total cost of the project up to a maximum of \$5 million. A permit holder granted an extension under subsection (b)(1) of this section may receive one subsequent extension if the permit holder meets the conditions of subsection (b)(2) of this section. [30 TAC 116.120(a), (b) and (c)]
3. **Construction Progress.** Start of construction, construction interruptions exceeding 45 days, and completion of construction shall be reported to the appropriate regional office of the commission not later than 15 working days after occurrence of the event. [30 TAC 116.115(b)(2)(A)]
4. **Start-up Notification.** The appropriate air program regional office shall be notified prior to the commencement of operations of the facilities authorized by the permit in such a manner that a representative of the commission may be present. The permit holder shall provide a separate notification for the commencement of operations for each unit of phased construction, which may involve a series of units commencing operations at different times. Prior to operation of the facilities authorized by the permit, the permit holder shall identify the source or sources of allowances to be utilized for compliance with Chapter 101, Subchapter H, Division 3 of this title (relating to Mass Emissions Cap and Trade Program). [30 TAC 116.115(b)(2)(B)(iii)]
5. **Sampling Requirements.** If sampling is required, the permit holder shall contact the commission's Office of Compliance and Enforcement prior to sampling to obtain the proper data forms and procedures. All sampling and testing procedures must be approved by the executive director and coordinated with the regional representatives of the commission. The permit holder is also responsible for providing sampling facilities and conducting the sampling operations or contracting with an independent sampling consultant. [30 TAC 116.115(b)(2)(C)]

6. **Equivalency of Methods.** The permit holder must demonstrate or otherwise justify the equivalency of emission control methods, sampling or other emission testing methods, and monitoring methods proposed as alternatives to methods indicated in the conditions of the permit. Alternative methods shall be applied for in writing and must be reviewed and approved by the executive director prior to their use in fulfilling any requirements of the permit. [30 TAC 116.115(b)(2)(D)]
7. **Recordkeeping.** The permit holder shall maintain a copy of the permit along with records containing the information and data sufficient to demonstrate compliance with the permit, including production records and operating hours; keep all required records in a file at the plant site. If, however, the facility normally operates unattended, records shall be maintained at the nearest staffed location within Texas specified in the application; make the records available at the request of personnel from the commission or any air pollution control program having jurisdiction; comply with any additional recordkeeping requirements specified in special conditions attached to the permit; and retain information in the file for at least two years following the date that the information or data is obtained. [30 TAC 116.115(b)(2)(E)]
8. **Maximum Allowable Emission Rates.** The total emissions of air contaminants from any of the sources of emissions must not exceed the values stated on the table attached to the permit entitled "Emission Sources--Maximum Allowable Emission Rates." [30 TAC 116.115(b)(2)(F)]
9. **Maintenance of Emission Control.** The permitted facilities shall not be operated unless all air pollution emission capture and abatement equipment is maintained in good working order and operating properly during normal facility operations. The permit holder shall provide notification for upsets and maintenance in accordance with 30 TAC 101.201, 101.211, and 101.221 of this title (relating to Emissions Event Reporting and Recordkeeping Requirements; Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements; and Operational Requirements). [30 TAC 116.115(b)(2)(G)]
10. **Compliance with Rules.** Acceptance of a permit by an applicant constitutes an acknowledgment and agreement that the permit holder will comply with all rules, regulations, and orders of the commission issued in conformity with the TCAA and the conditions precedent to the granting of the permit. If more than one state or federal rule or regulation or permit condition is applicable, the most stringent limit or condition shall govern and be the standard by which compliance shall be demonstrated. Acceptance includes consent to the entrance of commission employees and agents into the permitted premises at reasonable times to investigate conditions relating to the emission or concentration of air contaminants, including compliance with the permit. [30 TAC 116.115(b)(2)(H)]
11. **This** permit may not be transferred, assigned, or conveyed by the holder except as provided by rule. [30 TAC 116.110(e)]
12. **There** may be additional special conditions attached to a permit upon issuance or modification of the permit. Such conditions in a permit may be more restrictive than the requirements of Title 30 of the Texas Administrative Code. [30 TAC 116.115(c)]
13. **Emissions** from this facility must not cause or contribute to a condition of "air pollution" as defined in Texas Health and Safety Code (THSC) 382.003(3) or violate THSC 382.085. If the executive director determines that such a condition or violation occurs, the holder shall implement additional abatement measures as necessary to control or prevent the condition or violation.
14. **The** permit holder shall comply with all the requirements of this permit. Emissions that exceed the limits of this permit are not authorized and are violations of this permit.



## Special Conditions

Permit Numbers 25384 and PSDTX839

### Emission Limitations and Operating Specifications

1. This permit covers only those sources of emissions listed in the attached table entitled "Emission Sources - Maximum Allowable Emission Rates," and those sources are limited to the emission limits and other conditions specified in the attached table. The annual rates are based on a rolling 12-month period.
2. A copy of this permit, the June 1994 permit application, and any subsequent permit-related correspondence shall be kept at the plant site and made available at the request of personnel from the Texas Commission on Environmental Quality (TCEQ) or the local air pollution control agency. In addition, the holder of this permit shall maintain an updated site arrangement of the facility showing the location and emission point numbers (EPNs) for all sources listed on the maximum allowable emission rates table (MAERT).
3. Fuel fired in the Westinghouse Model W501F Gas Combustion Turbine (CT) and the duct burner of the heat recovery steam generator (HRSG) are limited as follows:
  - A. Fuels fired in the CT:
    - (1) Primary fuel - pipeline-quality, sweet natural gas containing no more than 5.0 grains total sulfur and 0.25 grain of hydrogen sulfide (H<sub>2</sub>S) per 100 dry standard cubic feet (dscf).
    - (2) Backup fuel - refinery-grade, first-run distillate fuel oil containing no more than 0.05 percent sulfur by weight. Fuel oil may be fired as a backup fuel for a maximum of 720 hours per year. The permit holder must show compliance with the 720 hour limit on a rolling 12-month average.
  - B. Fuel fired in the HRSG duct burner is limited to pipeline-quality, sweet natural gas containing no more than 5.0 grains total sulfur and 0.25 grain of H<sub>2</sub>S per 100 dscf.
4. The permit holder shall use steam injection to control the emissions contribution of nitrogen oxides (NO<sub>x</sub>) from the CT prior to entering the HRSG and selective catalytic reduction (SCR) units.
5. The stack gases of the CT/HRSG Unit (EPN E-CT/HRSG) shall not exceed the emission concentrations stated below.
  - A. While the CT/HRSG unit is firing natural gas at base load, the concentration of NO<sub>x</sub> and carbon monoxide (CO) in the stack gases of EPN E-CT/HRSG shall not exceed 9 parts per million by volume on a dry basis (ppmvd) and 25 ppmvd, respectively, when corrected to 15 percent oxygen (O<sub>2</sub>). Base load operation shall be defined as operation equal to or greater than 162 megawatts (MW). **(2/12)**
  - B. While the CT is firing fuel oil and the HRSG is firing natural gas, each at base load, the concentration of NO<sub>x</sub> and CO in the stack gases of EPN E-CT/HRSG shall not exceed 15.5 ppmvd and 25 ppmvd, respectively, when corrected to 15 percent O<sub>2</sub>.

- C. Reduced load operation (defined as operation at less than 162 MW) not associated with startup or shutdown is authorized provided the maximum pounds per hour (lb/hr) emissions rates specified in the MAERT are not exceeded. **(2/12)**
- 6. The HRSG duct burner is limited to a maximum heat input capacity of 375 million British thermal units per hour (MMBtu/hr). The heat input shall be calculated on the higher heating value (HHV) of the fuel.
- 7. Upon request by the Director of the TCEQ Dallas/Fort Worth (DFW) Regional Office or the Executive Director of the TCEQ or any local air pollution control program having jurisdiction, the holder of this permit shall provide a sample and/or an analysis of the fuel fired in this facility or shall allow air pollution control agency representatives to obtain a sample for analysis.
- 8. Except during maintenance, startup and shutdown (MSS) activities, the opacity shall not exceed five percent averaged over a six-minute period from each stack or vent. During periods when the CT is firing fuel oil, the opacity limitation shall be 10 percent. During MSS activities, the opacity shall not exceed 15 percent (or other applicable opacity limit specified in Title 30 Texas Administrative Code (TAC) § 111.111(a)(1)). Each determination shall be made by first observing for visible emissions while each facility is in operation. Observations shall be made at least 15 feet and no more than 0.25 miles from the emission point. If visible emissions are observed from an emission point, then the opacity shall be determined and documented within 24 hours for that emission point using Title 40 Code of Federal Regulations Part 60 (40 CFR Part 60), Appendix A, Test Method 9. Contributions from uncombined water shall not be included in determining compliance with this condition. Observations shall be performed and recorded quarterly. If the opacity exceeds five percent during normal operations, 10 percent when firing fuel oil, or 15 percent during MSS activities, corrective action to eliminate the source of visible emissions shall be taken promptly and documented within one week of first observation. **(10/11)**

#### **Anhydrous Ammonia (NH<sub>3</sub>)**

- 9. The concentration of NH<sub>3</sub> in the exhaust gases of the EPN E-CT/HRSG shall not exceed 10 parts per million by volume (ppmv) when corrected to 15 percent O<sub>2</sub>.
- 10. The permit holder shall maintain a quantity of no more than 12,000 gallons of NH<sub>3</sub> on-site at any time. Additionally, the permit holder shall maintain prevention and protection measures for the NH<sub>3</sub> storage system as represented in Table 4-1 of the supplemental letter dated August 22, 1994, submitted during the review of the June 1994 application for this permit. The letter includes the following:
  - A. Relief valves shall be discharged to the HRSG Stack (EPN E-CT/HRSG) rather than releasing directly to the atmosphere at ground level.
  - B. The tank area will be diked so as to contain at least the volume of the pressure vessel.

- C. A water deluge system shall be installed to cover the tank and diked area to mitigate any airborne releases of  $\text{NH}_3$ . The water deluge system must activate when a level of 200 ppmv of  $\text{NH}_3$  is detected.
  - D. Any  $\text{NH}_3$  solution contained by the dike area shall be immediately transported to a safe disposal area.
11. In the event of a release of the  $\text{NH}_3$  from the liquid fill line, pressure vessel due to overpressurization, process line to the SCR system, or the vapor return lines from the vaporizer or any other accidental release of  $\text{NH}_3$ , the permit holder shall follow the contingency plan and mitigation procedures set out in Sections 5.0 and 6.0 of the August 22, 1994 letter regarding the use of  $\text{NH}_3$ .
12. In addition to the requirements of Special Condition Nos. 10 and 11, the permit holder shall maintain the piping and valves in  $\text{NH}_3$  service as follows:
- A. All operating practices and procedures relating to the handling and storage of  $\text{NH}_3$  shall conform to the safety recommendations specified for that compound by guidelines of the American National Standards Institute and the Compressed Gas Association.
  - B. Audio, olfactory, and visual checks for  $\text{NH}_3$  leaks within the operating area shall be made every four hours.
  - C. Immediately, but no later than one hour upon the detection of a leak, plant personnel shall take the following actions:
    - (1). Locate and isolate the leak, if necessary.
    - (2). Commence repair or replacement of the leaking component.
    - (3). Use a leak collection/containment system to control the leak until repair or replacement can be made if immediate repair is not possible.
13. All necessary plant employees shall undergo proper training in the maintenance, mitigation, and contingency procedures necessary to prevent, control, or handle accidental releases of  $\text{NH}_3$ .

### **Federal Applicability**

14. These facilities shall comply with applicable requirements of the EPA regulations on Standards of Performance for New Stationary Sources, 40 CFR Part 60, promulgated for:
- A. General Conditions, Subpart A.
  - B. The heat recovery steam generator is subject to the requirements of Subpart Da, Standards of Performance for Electric Utility Steam Generating Units.
  - C. The Westinghouse Model W501F Gas Turbine is subject to the requirements of Subpart GG, Standards of Performance for Stationary Gas Turbines.

If any condition of this permit is more stringent than the regulations so incorporated, then for the purposes of complying with this permit, the permit shall govern and be the standard by which compliance shall be demonstrated.

### **Initial Determination of Compliance**

15. Sampling ports and platforms shall be incorporated into the design of the HRSG exhaust stacks according to the specifications set forth in the attachment entitled "Chapter 2, Stack Sampling Facilities." Alternate sampling facility designs may be submitted for approval by the TCEQ DFW Regional Director.
16. The holder of this permit shall perform stack sampling and other testing as required to establish the actual pattern and quantities of air contaminants being emitted into the atmosphere from EPN E-CT/HRSG. Sampling shall be conducted in accordance with the appropriate procedures of the TCEQ Sampling Procedures Manual and in accordance with the appropriate EPA Reference Methods for NO<sub>x</sub>, CO, volatile organic compounds (VOC), sulfur dioxide (SO<sub>2</sub>), NH<sub>3</sub>, particulate matter less than 10 microns in diameter (PM<sub>10</sub>), and opacity.

The methods stated in 40 CFR § 60.334(h) may be used to demonstrate compliance with the SO<sub>2</sub> limitations in lieu of stack sampling for SO<sub>2</sub>. If the methods described in 40 CFR § 60.334(h) are used, in lieu of stack sampling, to demonstrate compliance with New Source Performance Standards (NSPS) Subpart GG, compliance with the SO<sub>2</sub> limits shall be based on 100 percent conversion of the sulfur in the fuel to SO<sub>2</sub>. Any deviations from the methods and procedures stated in 40 CFR § 60.334(h) require prior approval by the TCEQ DFW Regional Director. **(03/15)**

The TCEQ Executive Director or a designated representative shall be afforded the opportunity to observe any sampling if that method of compliance is utilized. The holder of this permit is responsible for providing sampling and testing facilities and conducting the sampling and testing operations at his expense. **(03/15)**

- A. The TCEQ DFW Regional Office shall be contacted as soon as testing is scheduled but not less than 45 days prior to sampling to schedule a pretest meeting.

The notice shall include:

- (1) Date for pretest meeting.
- (2) Date sampling will occur.
- (3) Name of firm conducting sampling.
- (4) Type of sampling equipment to be used.
- (5) Method or procedure to be used in sampling.
- (6) Procedure used to determine turbine loads during and after the sampling period.

- (7) A plan to develop computer-generated calculations of NO<sub>x</sub> and CO emissions in pounds per hour and tons per rolling 12-month period. The plan shall include the equations used to convert the monitored concentrations to mass emission rates. The computer calculated hourly values are to be generated and compared to the initial stack sampling results to demonstrate the relative accuracy of the computer-generated output.

The purpose of the pretest meeting is to review the necessary sampling and testing procedures, to provide the proper data forms for recording pertinent data, and to review the format procedures for submitting the test reports. A written proposed description of any deviation from sampling procedures specified in permit conditions, TCEQ, or EPA sampling procedures shall be made available to the TCEQ prior to the pretest meeting. The TCEQ DFW Regional Director or the TCEQ Air Permits Division shall approve or disapprove of any deviation from specified sampling procedures. Requests to waive testing for any pollutant specified in this condition shall be submitted to the TCEQ Office Air, Air Permits Division. Test waivers and alternate/equivalent procedure proposals for NSPS testing which must have EPA approval shall be submitted to the TCEQ Air Permits Division in Austin.

- B. Air contaminants emitted from the CT/HRSG unit to be tested for include (but are not limited to) NO<sub>x</sub>, CO, SO<sub>2</sub>, VOC, PM<sub>10</sub>, NH<sub>3</sub>, O<sub>2</sub>, and opacity. The CT shall be tested at a minimum of four points in the normal operating range including full load for the atmospheric conditions which exist during testing while firing natural gas and fuel oil. The HRSG duct burners shall be tested at the maximum firing rate of 450 MMBtu/hr (HHV) while firing natural gas.
- C. Sampling shall occur within 60 days after achieving the maximum production rate at which the facility will be operated but no later than 180 days after initial start-up. The TCEQ and EPA may require additional sampling at other times as they deem appropriate.
- D. Within 60 days after the completion of the testing and sampling required herein, copies of the sampling report shall be distributed as follows.

One copy to the TCEQ DFW Regional Office.  
One copy to the EPA Region 6 in Dallas.

### **Continuous Determination of Compliance**

17. The holder of this permit shall install, calibrate, maintain, and operate a continuous emission monitoring system (CEMS) to:
- A. Measure and record the concentrations of NO<sub>x</sub>, CO, NH<sub>3</sub>, and O<sub>2</sub> at the CT/HRSG exhaust stack. The NO<sub>x</sub> and CO concentrations shall be corrected and reported in accordance with Special Condition No. 5. The NH<sub>3</sub> concentrations shall be corrected and reported in accordance with Special Condition No. 9.
- B. The CEMS required in Special Condition No. 17A shall comply with the following requirements:

- (1) The CEMS shall meet the design and performance specifications, pass the field tests, and meet the installation requirements and data analysis and reporting requirements specified in the applicable Performance Specifications in 40 CFR Part 60, Appendix B. The Performance Specification tests shall be conducted during the sampling required by Special Condition No. 16, and written copies of the results shall be submitted within 60 days of completion of the tests to the TCEQ DFW Regional Office and the Air Enforcement Branch of EPA in Dallas.
  - (2) The system shall be zeroed and spanned daily and corrective action taken when the 24-hour span drift exceeds two times the amounts specified in 40 CFR Part 60, Appendix B. Each gaseous monitor shall be quality-assured at least quarterly using cylinder gas audits (CGA). The CGA method to be used is contained in 40 CFR Part 60, Appendix F, Procedure 1, § 5.1.2. An equivalent method approved by the EPA and TCEQ may be used.
  - (3) The gaseous monitoring data shall be reduced to hourly average concentrations at least once every day, using a minimum of four equally-spaced data points from each one-hour period. Two valid data points shall be generated during the hourly period in which zero and span is performed.
  - (4) The CEMS shall demonstrate 90 percent monitor data availability on a monthly basis. The percent monitor data availability shall be calculated as the total unit operating hours for which quality-assured data was recorded divided by the total unit operating hours.
  - (5) All CGA exceedances greater than  $\pm 15$  percent accuracy and any unscheduled CEMS downtime shall be reported to the TCEQ DFW Regional Office and the Air Enforcement Branch of EPA in Dallas, and necessary corrective action shall be taken. Unscheduled CEMS downtime is any CEMS downtime not required for daily zero and span checks, quarterly CGAs, and annual relative accuracy test audits. Supplemental stack concentration measurements may be required at the discretion of the TCEQ DFW Regional Director or the EPA.
  - (6) The CEMS shall demonstrate an annual system reliability of at least 90 percent (downtime does not include daily zero and span measurement time or cogeneration unit downtime) or options to increase system reliability to an acceptable value, including a redundant CEMS, may be required by the TCEQ DFW Regional Director.
  - (7) For NSPS sources subject to Appendix F, the TCEQ DFW Regional Office and EPA New Source Review Section in Dallas shall be notified at least 30 days prior to each annual relative accuracy testing audit in order to provide them the opportunity to observe the testing.
18. The holder of this permit shall additionally install, calibrate, maintain, and operate continuous monitoring systems to monitor and record the average hourly fuel and water consumption in the gas turbines. The systems shall be accurate to  $\pm 5.0$  percent, and the system shall be approved by the Air Permits Division of the TCEQ prior to conducting the initial compliance demonstration required by Special Condition No. 16.

19. If the NH<sub>3</sub> CEMS is not able to show continuous demonstration of compliance, then the facility shall implement wet chemical sampling or an alternative TCEQ-approved method of estimating NH<sub>3</sub> emissions. The holder of this permit shall monitor NH<sub>3</sub> concentration (ppmv) and stack gas flow rate in standard cubic feet per minute in the SCR unit exhaust stack. The measured NH<sub>3</sub> concentration and flow rate shall be used to calculate the NH<sub>3</sub> emission rate in pounds per hour and cumulative tons per year to determine compliance with Special Condition Nos. 1 and 9.
20. The holder of this permit shall develop a program to calculate the total mass flow rate through each cogeneration train by using a mass balance of fuel, steam, and ammonia into the CT/HRSG unit and exhaust flow out of the HRSG stack to ensure continuous compliance with Special Condition No. 5.
  - A. Using the calculated flow rate and the concentrations of NO<sub>x</sub>, NH<sub>3</sub>, and CO from the CEMS required in Special Condition No. 17, the exhaust emissions from EPN E-CT/HRSG for NO<sub>x</sub>, NH<sub>3</sub>, and CO in units of pounds/hour shall be calculated on an hourly basis.
  - B. The hourly calculated values will be cumulatively added during each hour of the month and stored in the computer hard drive and on individually stored disks or other TCEQ-accepted computer media. Records of this information will also be available in a form suitable for inspection.
  - C. During periods in which the CEMS is unable to produce a valid average concentration, hourly emissions will be calculated from monitoring of operational parameters including the CT and HRSG firing rates, air temperature, steam injection rate, NH<sub>3</sub> injection rate, estimated NH<sub>3</sub> slip, and fuel flow rate.
21. In order to ensure that the CT/HRSG Unit (EPN E-CT/HRSG) and associated air pollution control equipment is operating at optimal conditions, the holder of this permit shall perform and maintain records of the following:
  - A. During base load operations, when the average NO<sub>x</sub> stack outlet concentration increases above 9 ppmv or 15.5 ppmv while firing natural gas or fuel oil, respectively, for more than one hour, the holder of this permit shall investigate and determine the reason for the increase in NO<sub>x</sub> concentrations and, if needed, repair the SCR unit and/or its associated equipment as soon as possible. The NO<sub>x</sub> concentration shall be corrected to 15 percent O<sub>2</sub>. The holder of this permit will take appropriate steps, as necessary, to ensure the SCR unit is operating in compliance with Special Condition Nos. 1 and 5 until repairs can be made.

If the NO<sub>x</sub> concentration is greater than those required by Special Condition No. 5 for more than 24 hours, the holder shall notify the TCEQ DFW Regional Office either verbally or with a written report detailing the cause of the increase in emissions and all efforts being made to correct the problem. If the NO<sub>x</sub> concentration does not decrease to meet the requirements of Special Condition No. 5 within two weeks of the initial date of increase in NO<sub>x</sub> concentrations, the holder shall commence with shutdown procedures.

- B. When the average CO stack outlet concentration increases above 25 ppmv at base load or 240 ppmv at reduced load or 60 ppmv during power augmentation while firing natural gas or fuel oil, respectively, for more than one hour, the holder of this permit shall investigate and determine the reason for the increase in CO concentrations and, if needed, repair the HRSG and/or its associated equipment as soon as possible. All concentrations shall be corrected to 15 percent O<sub>2</sub>. The holder of this permit will take appropriate steps, as necessary, to ensure the HRSG is operating in compliance with Special Condition Nos. 1 and 5 until repairs can be made. **(2/12)**

If the concentration is greater than those required by Special Condition No. 5 for more than 24 hours, the holder shall notify the TCEQ DFW Regional Office either verbally or with a written report, detailing the cause of the increase in emissions and all efforts being made to correct the problem. If the CO concentration does not decrease to meet the requirements of Special Condition No. 5 within two weeks of the initial date of increase in CO concentrations, the holder shall commence with shutdown procedures.

- C. When the average NH<sub>3</sub> outlet concentration from the SCR increases above 10 ppmv for more than one hour, the holder of this permit shall investigate and determine the reason for the increase in NH<sub>3</sub> concentrations and, if needed, repair the SCR and/or its associated equipment as soon as possible. The NH<sub>3</sub> concentration shall be corrected to 15 percent O<sub>2</sub>. The holder of this permit will take appropriate steps, as necessary, to ensure the SCR unit is operating in compliance with Special Condition Nos. 1 and 9 until repairs can be made.

If the NH<sub>3</sub> concentration is not in compliance with Special Condition No. 9 for more than 24 hours, the holder shall notify the TCEQ DFW Regional Office either verbally or with a written report, detailing the cause of the increase in emissions and all efforts being made to correct the problem. If the NH<sub>3</sub> concentration does not decrease to meet the requirements of Special Condition No. 9 within two weeks of the initial date of increase in NH<sub>3</sub> concentrations, the holder shall commence with shutdown procedures.

22. The holder of this permit shall utilize the methods stated in 40 CFR 60.334(h) to determine the fuel-bound sulfur in order to demonstrate continuous compliance with Special Condition Nos. 1 and 3. **(03/15)**

### **Compliance and Maintenance**

23. On an annual basis or during routine unit turnarounds, the low-NO<sub>x</sub> duct burners of the HRSG shall be visually inspected for erosion, corrosion, plugging, or any other condition that may adversely affect low-NO<sub>x</sub> performance. The TCEQ DFW Regional Office shall be notified at least seven days prior to the inspection in order to be given an opportunity to witness the inspection procedure.
24. A written description of any deviation from the monitoring required herein shall be made available to the TCEQ prior to the pretest meeting required in Special Condition No. 16.



The TCEQ DFW Regional Director or the TCEQ Air Permits Division in Austin, and the EPA in Dallas shall approve or disapprove of any request for an alternate monitoring requirement. Such approval shall be obtained prior to the date required to conduct stack sampling under Special Condition No. 16.

**Planned Maintenance, Startup, and Shutdown (MSS)**

25. This permit authorizes the emissions from the planned MSS activities listed in Attachment A, or the MAERT attached to this permit. Attachment A identifies the inherently low emitting (ILE) planned maintenance activities that this permit authorizes to be performed. **(10/11)**
26. The emissions limits that are identified in Special Conditions 5A, 5B and 9 shall not apply during planned MSS activities. **(10/11)**
27. The holder of this permit shall minimize emissions during planned MSS activities by operating the facility and associated air pollution control equipment in accordance with good air pollution control practices, safe operating practices, and protection of the facility. **(10/11)**
28. Emissions during planned startup and shutdown activities will be minimized by limiting the duration of operation in planned startup and shutdown mode as follows: **(10/11)**
  - A. A planned startup of the electric generating facility (EGF) with EPN No. E-CT/HRSG is defined as the period that begins when fuel is first fed to the unit and ends when the load on the unit reaches 120 MW. A planned startup for that EGF shall not exceed four hours.
  - B. A planned shutdown of the EGF with EPN No. E-CT/HRSG is defined as the period that begins when the load on the unit drops below 120 MW and ends when fuel is no longer fed to the unit. A planned shutdown for that EGF shall not exceed two hours.
29. Compliance with the emissions limits for planned MSS activities identified in the MAERT attached to this permit may be demonstrated as follows. **(10/11)**
  - A. For each pollutant emitted during ILE planned maintenance activities, the permit holder shall annually confirm the continued validity of the estimated potential to emit represented in the permit application for all ILE planned maintenance activities. The total emissions from all ILE planned maintenance activities (See Attachment A) shall be considered to be no more than the estimated potential to emit for those activities that are represented in the permit application.
  - B. All other maintenance activities may be authorized by 30 TAC § 106.263.
30. With the exception of the emission limits in the MAERT attached to this permit, the permit conditions relating to planned MSS activities do not become effective until April 28, 2012. **(10/11)**

### **Recordkeeping Requirements**

31. The following information shall be made and maintained by the holder of this permit in a form suitable for inspection for a period of two years and shall be made immediately available upon request to representatives of the TCEQ, EPA, or any local air pollution control program having jurisdiction:
- A. Written records of any accidental releases, spills, or venting of  $\text{NH}_3$  and the corrective action taken in accordance with Special Condition Nos. 10 and 11.
  - B. Written records of maintenance performed to any piping and valves in  $\text{NH}_3$  service pursuant to Special Condition No. 12.
  - C. A complete copy of the testing report and records of the initial performance testing completed pursuant to Special Condition No. 16.
  - D. Records of the CEMS data required by Special Condition No. 17 to demonstrate continuous compliance with Special Condition No. 5.
  - E. Records of average hourly fuel and water consumption in the gas turbines pursuant to Special Condition No. 18.
  - F. Records of any  $\text{NH}_3$  emissions calculations or testing performed during CEMS downtime pursuant to Special Condition No. 19.
  - G. Calculations of predicted hourly  $\text{NO}_x$ , CO, and  $\text{NH}_3$  emissions from the HRSG exhaust stacks when required by Special Condition No. 20.
  - H. Written records of any modifications or maintenance performed upon the equipment authorized by this permit.
  - I. Raw data files of all CEMS data including calibration checks and adjustments and maintenance performed on these systems of devices in a permanent form suitable for inspection.
  - J. Records of any maintenance or corrective action taken to maintain SCR performance pursuant to Special Condition No. 21.
  - K. Records, pursuant to Special Condition No. 22, to demonstrate continuous compliance with Special Condition Nos. 1 and 3. **(03/15)**
  - L. Written records of inspections conducted pursuant to Special Condition No. 23.
  - M. Field records of quarterly visible emission observations and opacity measurements (if applicable) as required by Special Condition No. 8. **(2/12)**
  - N. A log of all startups and shutdowns and durations to demonstrate compliance with Special Condition No. 28. **(10/11)**

Date: March 30, 2015

**Attachment A**  
Permit Nos. 25384 and PSDTX839  
Inherently Low Emitting (ILE) Planned Maintenance Activities

	<b>Emissions</b>					
<b>Planned Maintenance Activity</b>	<b>NH<sub>3</sub></b>	<b>VOC</b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>PM</b>	<b>SO<sub>2</sub></b>
Gaseous Venting and Line Purging	x	x				
Miscellaneous particulate filter maintenance <sup>1</sup>					x	
CEMS Calibration	x		x	x		
Small Equipment Maintenance – Low Vapor Pressure VOC		x				
Sludge Management <sup>2</sup>		x				

Date: October 31, 2011

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<sup>1</sup> Includes, but is not limited to filters, process-related building air filters, and combustion turbine air intake filters.

<sup>2</sup> Includes, but is not limited to, management by vacuum truck/dewatering of materials in sumps, tanks and other closed or open vessels. Materials managed include water and sludge mixtures containing miscellaneous VOCs such as diesel, lube oil, and other waste oils.

## Emission Sources - Maximum Allowable Emission Rates

Permit Number 25384 and PSDTX839

This table lists the maximum allowable emission rates and all sources of air contaminants on the applicant's property covered by this permit. The emission rates shown are those derived from information submitted as part of the application for permit and are the maximum rates allowed for these facilities, sources, and related activities. Any proposed increase in emission rates may require an application for a modification of the facilities covered by this permit.

Air Contaminants Data

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates	
			lbs/hour	TPY (4)
E-CT/HRSG	Turbine and 375 MMBtu/hr Heat Recovery Steam Generator (5)	NO <sub>x</sub>	115.7	272.8
		NO <sub>x</sub> (MSS)(7)	330.0	-
		CO	348.5	462.6
		CO (MSS)(7)	879.0	-
		VOC	30.0	42.3
		SO <sub>2</sub>	87.22	72.5
		PM	57.8	65.2
		PM <sub>10</sub>	57	61.9
		NH <sub>3</sub>	32.5	130.5
		Pb	0.1	<0.1
FP-1	Fire Pump (6) 182 Hp	NO <sub>x</sub>	1.87	0.02
		CO	0.41	<0.01
		VOC	0.15	<0.01
		SO <sub>2</sub>	0.12	<0.01
		PM	0.13	<0.01
SO <sub>4</sub> -TK	Sulfuric Acid Tank	VOC	<0.1	<0.1
OIL-TK1	Fuel Oil Tank	VOC	0.6	0.3
OIL-TK2	Fuel Oil Tank	VOC	0.6	0.3

## Emission Sources - Maximum Allowable Emission Rates

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates	
			lbs/hour	TPY (4)
MSSFUG	MSSFUG	VOC	0.26	0.05
		PM/PM <sub>10</sub> /PM <sub>2.5</sub>	0.05	<0.01
		NO <sub>x</sub>	<0.01	<0.01
		NH <sub>3</sub>	0.16	<0.01

- (1) Emission point identification - either specific equipment designation or emission point number from plot plan.
- (2) Specific point source name. For fugitive sources, use area name or fugitive source name.
- (3) VOC - volatile organic compounds as defined in Title 30 Texas Administrative Code § 101.1
- NO<sub>x</sub> - total oxides of nitrogen
- SO<sub>2</sub> - sulfur dioxide
- PM - total particulate matter, suspended in the atmosphere, including PM<sub>10</sub> and PM<sub>2.5</sub>, as represented
- PM<sub>10</sub> - total particulate matter equal to or less than 10 microns in diameter, including PM<sub>2.5</sub>, as represented
- PM<sub>2.5</sub> - total particulate matter equal to or less than 2.5 microns in diameter, as represented
- CO - carbon monoxide
- Pb - lead
- NH<sub>3</sub> - Ammonia
- (4) Compliance with annual emission limits (tons per year) is based on a 12 month rolling period.
- (5) The allowable emissions shown represent worse-case emissions for 8,040 hours and 720 hours of natural gas and fuel oil firing, respectively, in the CT. The HRSG fires natural gas only and supplies steam to a 104 MW steam turbine.
- (6) Source qualifies for Permit by Rule 30 TAC • 106.511.
- (7) For each pollutant whose emissions during planned MSS activities are measured using a CEMS, the MSS lb/hr limits apply only during each clock hour that includes one or more minutes of MSS activities. During all other clock hours, the normal lb/hr limits apply.

Date: October 31, 2011